



PLANNING COMMISSION AGENDA REPORT
Development Services Department

Agenda Item:	8B
Project Name:	Ocean Bluff Residential Project
Request:	Subdivision of four lots into 27 lots using State Density Bonus Law and associated waivers, the construction of 27 single-family residential dwelling units (24 market-rate units and 3 affordable housing units), as well as the construction of a private road, and associated utilities, drainage, landscaping, stormwater improvements, and right-of-way improvements, and the removal of existing wireless communication facilities.
Discretionary Actions:	Density Bonus Tentative Map (SUB) Design Review (DR) Coastal Development Permit (CDP)
CEQA Recommendation:	Environmental Impact Report
STAFF RECOMMENDATION:	APPROVE
Project Number:	MULTI-006443-2023, SUB-006459-2023, DR-006444-2023, CDP-006445-2023, CDP-008050-2025, ENV-007304-2024
Location:	501 Ocean Bluff Way
Community:	Old Encinitas
APN:	258-141-23, 258-141-24, 258-141-25, and 258-141-26
Applicant:	R&K Ballard Family LP
Representative:	Jonathan Frankel, Rincon Homes Rachael Reynolds, MET3 Wireless
Project Planner:	Esteban Danna, Senior Planner, edanna@encinitasca.gov
Commission Meeting Date:	May 7, 2026
City Council Hearing Required?	No ☒ Meagan Openshaw, Assistant Director

Report Approval:	☒ Andrew Maynard, Planning Manager
Recommended Actions:	1. Continue the public hearing; and 2. Adopt the resolutions approving the project and certifying the EIR, subject to conditions.

The Planning Commission considered a density bonus tentative map, design review permit and a coastal development permit for the above-referenced property on November 20, 2025 (**Attachment PC-6**). The Planning Commission received a staff report and presentation, applicant presentation, public comments, applicant rebuttal, asked questions of the applicant, and continued the item date uncertain.

The draft project and Environmental Impact Report (EIR) Resolutions have been updated to reflect the correct hearing date. A new, separate resolution has been prepared to allow the consideration of the wireless communication facilities demolition separately. The attached resolution replaces the November 20, 2025, Planning Commission Agenda resolutions (**Attachments PC-1 – PC-3**).

Any public comments received after the November 20, 2025, hearing and before the posting of this agenda report are included in **Attachment PC-5**.

CHANGES TO RESOLUTIONS

Resolution PC 2026-05 (Attachment PC-1)

A new resolution has been created to separate the demolition of the existing wireless communication facilities (CDP-008050-2025) from the subdivision and construction of the residential project. This allows the Planning Commission to consider the demolition component separate from the residential component of the project.

Resolution PC 2026-06 (Attachment PC-2)

Resolution PC 2026-06, formerly PC 2025-32, originally addressed the demolition of the existing wireless communication facilities and approved the subdivision and construction of the residential project. The revised resolution only addresses the subdivision and construction of the residential project.

One condition of approval is removed, and five new conditions are added to the project resolution. The added conditions are incorporated to ensure full compliance with City of Encinitas Design Standards and Guidelines. New conditions also address concerns with the project's impacts to the neighboring property to the west. The changes to conditions are as follows:

Condition Removed:

- Condition SCA 6 (in former Resolution PC 2025-32), requiring a Voluntary Assistance Program concurrence letter from the San Diego County Department of Environmental Health has been removed. San Diego County Department of Environmental Health has discontinued the Voluntary Assistance Program.

- Condition SCA 7 (in former Resolution PC 2025-32), requiring a separate building permit for the demolition of the existing wireless communications facilities as permitted through CPD-008050-2025, has been removed. This condition is now incorporated in Resolution PC 2026-05 as condition SCA 1, which allows the demolition of the wireless communications facility.

Conditions Added:

- Condition SCA 7 requires window design using one of the methods identified in Section DS5.6.2 of the City of Encinitas Design Standards and Guidelines.
- Condition SCA 8 requires that lighting plans show compliance with Section DS6.2.1 of the City of Encinitas Design Standards and Guidelines.
- Condition SCA 9 requires that when project design necessitates more than six feet of retaining, a maximum of three freestanding or retaining walls within 20 horizontal feet are permitted if a four-foot minimum landscaped step-back is provided between each proposed wall with a maximum height of six feet for each wall as identified in Section DS5.9.2 of the City of Encinitas Design Standards and Guidelines.
- Condition SCA 10 requires landscape plans to increase some of the proposed shrub sizes from 5-gallon containers to 15-gallon containers in compliance with Section DS2.6.2 of the City of Encinitas Design Standards and Guidelines enhancing screening and reduce the visual impact.
- Condition SCA 11 requires enhancement of screening, reduced visual impacts, and enhanced neighbor privacy through the following revisions to the plans:
 - View fencing (masonry base with viewing glass) along the western property lines of Lots 1 – 3 and the southern property line of Lot 4 will be replaced with solid vinyl fencing material to increase privacy between the proposed development and the property to the southwest.
 - The retaining wall on the southern side of Lot 4 will be constructed using geogrid retaining wall system, not exceeding 6 feet, and planted and irrigated in order to provide complete screening and reduce visual impact.
 - To address privacy concerns, the developer will purchase and install trees on the neighboring property (to the west, adjacent to Lots 1 – 4). The developer and neighbor shall work in good faith to determine the number, size, and locations of the trees to sufficiently provide privacy screening as determined by the Development Services director.
 - The existing chain link fence on the northern side of the neighboring property (to the west, adjacent to Lots 1 – 4) will be extended by the developer to the proposed masonry wall within lot 4 to further address privacy concerns.
 - View fencing within Lot 4 will be eliminated and replaced with solid vinyl fencing material.

- Condition H 06 provides that the City may use a third-party consultant for purposes of selection and screening of potential purchasers of affordable units.

Resolution PC 2026-07 (Attachment PC-3)

Resolution PC 2026-07, formerly PC 2025-33, certifies the final environmental impact report and adopts the mitigation monitoring and reporting program. No changes are proposed to this resolution.

PUBLIC NOTICE

Notice of this public hearing was mailed on April 23, 2026, to all property owners and occupants within 500 feet of the project site and to anyone who requested such notice in writing, in compliance with Government Code Sections 65090, 65091 and 65092, as applicable. Additionally, as a courtesy, the notice was posted at City Hall and on the Development Services Department's Internet site under "Public Notices" (**Attachment PC-4**).

CONCLUSION

The facts presented for this project have demonstrated compliance with the density bonus, tentative map, design review permit, and coastal development permit findings, subject to the conditions of approval contained in the draft resolutions of approval (**Attachments PC-1 – PC-3**). The project will have a less than significant impact on the environment with the implementation of the mitigation measures identified in the Environmental Impact Report and MMRP. The waivers requested through State Density Bonus Law can be justified to physically allow the development of the proposed project at the state-permitted density. Therefore, staff recommends that the Planning Commission adopt the resolutions approving the project and certifying the Environmental Impact Report for Case Numbers MULTI-006443-2023, SUB-006459-2023, DR-006444-2023, CDP-006445-2023, CDP-008050-2025 and ENV-007304-2024 based upon the findings and conditions contained in the attached draft Resolution of Approval.

ATTACHMENTS

- PC-1 Proposed Resolution No. PC 2026-05 – Demolition of Wireless Communications Facilities
- PC-2 Proposed Resolution No. PC 2026-06 – Ocean Bluff Residential Project
- PC-3 Proposed Resolution No. PC 2026-07 – Certification of Final Environmental Impact Report
- PC-4 Public Notice and 500-foot radius map
- PC-5 Public Comments
- PC-6 Previous Staff Report and Attachments

PC-Attachment 1
Proposed Resolution No. PC 2026-05 – Demolition of Wireless Communications Facilities

RESOLUTION NO. PC 2026-05

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ENCINITAS APPROVING OF THE DEMOLITION AND REVOCATION OF EXISTING WIRELESS COMMUNICATION FACILITIES FOR THE PROPERTY LOCATED AT 501 OCEAN BLUFF WAY.

(CASE NO. CDP-008050-2025; APN: 258-141-26)

WHEREAS, Rachael Reynolds of MET3 Wireless on behalf of R&K Ballard Family LP submitted an application for the removal and revocation of existing Wireless Communication Facilities located at 501 Ocean Bluff Way, legally described in Exhibit A; and

WHEREAS, the Planning Commission conducted a duly noticed public hearing on November 20, 2025 and heard testimony from staff and the applicant, and after deliberation voted to continue the item to a future meeting; and,

WHEREAS, the Planning Commission continued the duly noticed public hearing on May 7, 2026;

NOW, THEREFORE, BE IT RESOLVED that the Encinitas Planning Commission hereby APPROVES Case No. CDP-008050-2025 based on the following Environmental Determination and Findings:

Section 1. California Environmental Quality Act Determination

The project has been determined to be exempt from environmental review pursuant to California Environmental Quality Act (CEQA) Guidelines section 15301(I) which exempts the demolition of small commercial and accessory structures. None of the exceptions in Section 15300.2 of the CEQA Guidelines apply and no historical resources will be impacted by the proposed development.

Section 2. Discretionary Action(s) Findings

Based on the findings for a Coastal Development Permit as per Encinitas Municipal Code Section 30.80.090 (Coastal Development Permit) and the aforementioned analysis, Planning Commission has made the following findings to support the approval, with conditions:

- 1. The project is consistent with the certified Local Coastal Program of the City of Encinitas; and**

The rescission of the previously approved major use permit entitlement for the wireless facility Case No. 99-201 MUP/CDP (Planning Commission Resolution No. PC-2000-31) and demolition of the wireless communication facilities, as conditioned, complies with all Municipal Code requirements, policies of the General Plan and, thus is consistent with the Local Coastal Program.

- 2. The proposed development conforms with Public Resources Code Section 21000 and following (CEQA) in that there are no feasible mitigation measures or feasible alternatives available which would substantially lessen any significant adverse impact that the activity may have on the environment; and**

The proposed demolition of the wireless communication facilities has been determined to be exempt from environmental review pursuant to California Environmental Quality Act (CEQA) Guidelines section 15301(I) which exempts the demolition of small commercial and accessory structures. None of the exceptions in Section 15300.2 of the CEQA Guidelines apply and no historical resources will be impacted by the proposed development.

3. **For projects involving development between the sea or other body of water and the nearest public road, approval shall include a specific finding that such development is in conformity with the public access and public recreation policies of Section 30200 et. seq. of the Coastal Act.**

The project site is not located between the sea and the first public road. Therefore, the project complies with the requirements of Section 30200 et. seq. of the Coastal Act.

Section 3. Incorporation of Environmental Determination and Findings

The above environmental determination and findings are supported by the minutes, maps, and exhibits, all of which are herein incorporated by reference.

BE IT FURTHER RESOLVED that based on the Environmental Determination and Findings herein before adopted by the Planning Commission, Case No. CDP-008050-2025 are hereby APPROVED and subject to the conditions in Exhibit B.

PASSED AND ADOPTED this 7th day of May, 2026 by the Planning Commission of the City of Encinitas, State of California.

AYES:

NOES:

ABSTAIN:

ABSENT:

Robert Prendergast, Vice Chair

ATTEST:

Meagan Openshaw
Secretary

NOTE: This action is subject to Chapter 1.04 of the Municipal Code, which specifies time limits for legal challenges.

EXHIBIT "A"
RESOLUTION NO. PC-2026-05
Case No. CDP-008050-2025

LEGAL DESCRIPTION

PARCEL A: APN: 258-141-23-00, APN: 258-141-24-00, APN: 258-141-25-00 & APN: 258-141-26-00

THE EASTERLY PARCEL OF CERTIFICATE OF COMPLIANCE RECORDED JULY 3, 1989 AS INSTRUMENT NO. 89-352904 OF OFFICIAL RECORDS, BEING ALL THAT PORTION OF PARCEL 2 OF PARCEL MAP NO. 2430, IN THE CITY OF ENCINITAS, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, AS SAID PARCEL MAP WAS FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, MARCH 8, 1974 AS INSTRUMENT NO. 74-059151 OF OFFICIAL RECORDS, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTHERLY LINE OF SAID PARCEL 2, DISTANT THEREON NORTH 85°19'14" EAST 267.90 FEET FROM THE NORTHWEST CORNER OF SAID PARCEL 2;

THENCE CONTINUING ALONG SAID NORTHERLY LINE, NORTH 85°19'14" EAST 123.48 FEET TO THE BEGINNING OF A TANGENT 749.00 FOOT RADIUS CURVE CONCAVE SOUTHWESTERLY;

THENCE SOUTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 38°08'53" A DISTANCE OF 498.69 FEET TO A POINT ON THE ARC OF SAID CURVE TO WHICH A RADIAL LINE BEARS NORTH 33°28'07" EAST, SAID POINT BEING THE NORTHEAST CORNER OF SAID PARCEL 2;

THENCE LEAVING SAID NORTHERLY LINE ALONG THE EASTERLY LINE THEREOF SOUTH 01°10'23" WEST 476.78 FEET TO THE SOUTHEAST CORNER OF SAID PARCEL;
THENCE ALONG THE SOUTHERLY THEREOF NORTH 88°49'37" WEST 484.86 FEET TO AN ANGLE POINT;

THENCE LEAVING SAID SOUTHERLY LINE NORTH 06°36'27" WEST 181.17 FEET TO AN ANGLE POINT;

THENCE NORTH 88°49'37" WEST 90.00 FEET;

THENCE NORTH 01°10'23" EAST 396.65 FEET TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM THAT PORTION THEREOF LYING WITHIN CAMINO EL DORADO AS CONDEMNED AND TAKEN BY THE CITY OF ENCINITAS BY FINAL ORDER OF CONDEMNATION RECORDED ON JULY 23, 1998 AS INSTRUMENT NO. 1998-0460312 OF OFFICIAL RECORDS OF SAN DIEGO COUNTY.

PARCEL B: AN EASEMENT AND RIGHT OF WAY FOR INGRESS AND EGRESS, ROAD AND UTILITIES PURPOSES, INCLUDING BUT NOT LIMITED TO ELECTRIC POWER, TELEPHONE, GAS, WATER, SEWER AND CABLE TELEVISION LINES AND APPURTENANCES THERETO, OVER, UNDER, ALONG AND ACROSS THAT PORTION OF PARCEL 2 OF PARCEL MAP NO. 2430 IN THE CITY OF ENCINITAS, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, AS SAID PARCEL MAP WAS FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, MARCH 8, 1974 AS INSTRUMENT NO. 74-059151 OF OFFICIAL RECORDS, LYING WITHIN A STRIP OF LAND 40 FEET IN WIDTH, THE EASTERLY LINE OF SAID STRIP BEING DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTHERLY LINE OF SAID PARCEL 2, DISTANT THEREON NORTH 85°19'14" EAST, 267.90 FEET FROM THE NORTHWEST CORNER OF SAID PARCEL 2;

THENCE LEAVING SAID NORTH LINE SOUTH 01°10'23" WEST TO A POINT ON A LINE BEING PARALLEL WITH AND 100.00 FEET SOUTHERLY OF SAID NORTH LINE AND BEING THE TERMINUS OF SAID EASTERLY LINE.

EXHIBIT "B"
RESOLUTION NO. PC 2026-05
Case No. CDP-008050-2025

Applicant: Rachael Reynolds (MET3 Wireless) on behalf of R&K Ballard Family LP

Location: APN 258-141-26

CONDITIONS OF APPROVAL

SPECIFIC CONDITIONS

SCA The following Planning-related conditions shall be completed/fulfilled to the satisfaction of the Development Services Department:

1. A demolition permit is required for the demolition of the existing wireless communications facilities as permitted through CDP-008050-2025.

STANDARD CONDITIONS

PLANNING:

CONTACT THE DEVELOPMENT SERVICES DEPARTMENT REGARDING COMPLIANCE WITH THE FOLLOWING CONDITIONS:

- A 01** **Approval - General:** At any time after two years from the date of this approval, on May 7, 2028 at 5 p.m., or the expiration date of any extension granted in accordance with the Municipal Code, the application shall be deemed expired as of the above date, unless a timely extension is filed 15 days prior to the expiration date.
- A 02** **Approval - General:** This approval may be appealed to the City Council within 10-calendar days from the date of this approval in accordance with Chapter 1.12 of the Municipal Code.
- A 04** **Approval - General:** This project is conditionally approved as set forth on the application and project drawings consisting of 8 sheets identified as **Wireless Communications Facilities Demolition Plan** all designated as approved by the **Planning Commission** on **May 7, 2026**, and shall not be altered without express authorization by the Development Services Department.
- A 06** **Approval - General:** All conditions of approval of Case No. 99-201 MUP/CDP through Planning Commission Resolution No. PC-2000-31 approved on May 25, 2000, shall be deemed null and void.
- A 08** **Approval - General:** Approval of this request shall not waive compliance with any sections of the Municipal Code and all other applicable City regulations in effect at the time of Building Permit issuance unless specifically waived herein.

A 09 Approval - General: Prior to any use or issuance of final occupancy of the project site pursuant to this permit, all conditions of approval contained herein shall be completed or secured to the satisfaction of the Development Services Department.

I 01 Indemnification: To the maximum extent permitted by law, the Owner(s) shall waive any claims of liability against the City, and shall indemnify, hold harmless and defend the City of Encinitas, and its agents, officers and employees from and against any and all actions, claims, damages, liabilities and/or proceedings arising from: (i) the City's approval of any and all entitlements or permits relating to the project; (ii) any injury to or death of any person, or damage or injury of any kind to property which may arise from or be related to the direct or indirect operations of the Owner(s) or its contractors, subcontractors, agents, employees, or other persons acting on the Owner(s)'s behalf relating to the project; and (iii) the operation of the project.

The Owner(s) further agree that such indemnification and hold harmless shall include all defense related fees and costs associated with the defense of the City by counsel approved by the City. This indemnification shall not terminate upon expiration of the conditions of approval or completion of the project, but shall survive in perpetuity.

BUILDING:

CONTACT THE DEVELOPMENT SERVICES DEPARTMENT REGARDING COMPLIANCE WITH THE FOLLOWING CONDITION(S):

BLDG 01 Commercial and Multi-Family Residential: The applicant shall submit a complete set of construction plans to the Development Services Department for building permit plan check processing. The submittal shall include a Soils/Geotechnical Report, structural calculations, and State Energy compliance documentation (Title 24). Construction plans shall include a site plan, a foundation plan, floor and roof framing plans, floor plan(s), section details, exterior elevations, and materials specifications. Submitted plans must show compliance with the latest adopted editions of the California Building Code (The Uniform Building Code with California Amendments, the California Mechanical, Electrical and Plumbing Codes). Commercial and Multi-residential construction must also contain details and notes to show compliance with State disabled accessibility mandates. These comments are preliminary only. A comprehensive plan check will be completed prior to permit issuance and additional technical code requirements may be identified and changes to the originally submitted plans may be required.

ENGINEERING:

CONTACT THE ENGINEERING DEPARTMENT REGARDING COMPLIANCE WITH THE FOLLOWING CONDITION(S):

Grading

GRD 01 Grading – Regulations: All City Codes, regulations, and policies in effect at the time of building/grading permit issuance shall apply.

- GRD 02 Grading – Datum:** All drawings submitted for Engineering permits are required to be based on the NAVD 88 datum; the NGVD 29 datum will not be accepted.
- GRD 10 Grading – Haul Route:** Prior to hauling dirt or construction materials to any proposed construction site within this project the developer shall submit to and receive approval from the Engineering Department for the proposed haul route. The applicant shall comply with Municipal Code section 23.24.410 as well as all conditions and requirements the Engineering Department may impose with regards to the hauling operation.
- GRD 11 Grading – Drainage Plan:** The project's building plan(s) shall include an engineered drainage and stormwater quality treatment BMP site plan prior to approval of building permit. The plan shall provide at a minimum the design for precise grading, drainage improvements, erosion control, stormwater pollution control, and impervious surfaces.
- GRD 12 Grading – Permit Exemption:** A grading permit shall be obtained for this project unless the proposed grading is exempt under section 23.24.090 of the Municipal Code. If the proposed grading is exempt from permit requirement, the applicant shall provide a precise site plan prior to approval of a building permit. The building site plan shall provide design for precise grading, drainage improvements, erosion control, stormwater pollution control, and impervious surfaces.

Drainage Conditions

- DRAIN 01 Drainage – Erosion Control:** An erosion control system shall be designed and installed onsite during all construction activity. The system shall prevent discharge of sediment and all other pollutants onto adjacent streets and into the storm drain system. The City of Encinitas Stormwater Standards Manual shall be employed to determine appropriate stormwater pollution control practices during construction.

Street Conditions

- ST 30 Streets – Traffic Control Plan:** Prior to commencement of any work in the public right-of-way or other work that may cause a traffic disturbance, the applicant shall obtain approval of a Traffic Control Plan from the City's Traffic Engineering division, as necessary.

Utilities Conditions

- UT 01 Utility – Regulations/Coordination:** The owner shall comply with all the rules, regulations, and design requirements of the respective utility agencies regarding services to the project. The owner shall be responsible for coordination with SDG&E, AT&T, Cox, SDWD, OMWD, LWD, and all other applicable utility companies.
- UT 16 Utility – Existing & Proposed Facilities:** The location of all utility facilities such as backflow preventers, transformers, etc. shall be plotted and adequate screening shall be provided to the satisfaction of the Engineering Department. Private facilities shall be located out of the public right-of-way to the maximum extent practicable. Any authorized encroachment into the public right-of-way will require an Encroachment Maintenance and Removal Covenant.

UT 18 **Utility – Clearance:** No excavation shall be permitted within five (5) feet of any utility pole or anchor without written approval of the utility pole owner.

Stormwater Pollution Control Conditions

STORM 02 **Stormwater – LID BMP's:** Best Management Practices shall be utilized for stormwater pollution and flow control per the City of Encinitas BMP Design Manual to the satisfaction of the Engineering Department. The Grading Plan/Permit Site Plan shall identify all landscape areas designed for stormwater pollution control and incorporate Low Impact Development (LID) BMP's. A note shall be placed on the plans indicating that the BMP's are to be privately maintained and the facilities not modified or removed without a permit from the City.

PC-Attachment 2
Proposed Resolution No. PC 2026-06 – Ocean Bluff Residential Project

RESOLUTION NO. PC 2026-06

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ENCINITAS APPROVING THE SUBDIVISION OF FOUR LOTS INTO 27 LOTS USING STATE DENSITY BONUS LAW AND ASSOCIATED WAIVERS, THE CONSTRUCTION OF 27 SINGLE-FAMILY RESIDENTIAL DWELLING UNITS (24 MARKET-RATE UNITS AND 3 AFFORDABLE HOUSING UNITS), AS WELL AS THE CONSTRUCTION OF A PRIVATE ROAD, AND ASSOCIATED UTILITY, DRAINAGE, LANDSCAPING, STORMWATER IMPROVEMENTS, AND RIGHT-OF-WAY IMPROVEMENTS FOR THE PROPERTY LOCATED AT 501 OCEAN BLUFF WAY

**(CASE NO. MULTI-006443-2023, SUB-006459-2023,
DR-006444-2023, CDP-006445-2023;
APN: 258-141-23, 258-141-24, 258-141-25, and 258-141-26)**

WHEREAS, R&K Ballard Family LP submitted an application for the Subdivision of four lots into 27 lots using State Density Bonus Law and associated waivers, the construction of 27 single-family residential dwelling units (24 market-rate units and 3 affordable housing units), as well as the construction of a private road, and associated utility, drainage, landscaping, stormwater improvements, and right-of-way improvements located at 501 Ocean Bluff Way, legally described in Exhibit A; and

WHEREAS, the Planning Commission conducted a duly noticed public hearing on November 20, 2025 and heard testimony from staff and the applicant, and after deliberation voted to continue the item to a future meeting; and,

WHEREAS, the Planning Commission continued the duly noticed public hearing on May 7, 2026;

NOW, THEREFORE, BE IT RESOLVED that the Encinitas Planning Commission hereby APPROVES Case Nos. MULTI-006443-2023, SUB-006459-2023, DR-006444-2023, and CDP-006445-2023 based on the following Environmental Determination and Findings:

Section 1. California Environmental Quality Act Determination

An Environmental Impact Report (EIR) was prepared to analyze the potential environmental effects of the project. In accordance with the California Environmental Quality Act (CEQA), the draft EIR was published for a 45-day review from May 16, 2025 to June 30, 2025. Comments received during the public review period and corresponding responses are included in the Final EIR. Comments were received from one state agency (California Department of Fish and Wildlife) and 16 individuals (several of whom submitted multiple comment letters).

Through the analysis provided in the EIR, it was determined the project would not result in significant environmental impacts with the incorporation of mitigation measures to reduce the environmental impacts to less than significant levels for:

- Air quality
- Biological Resources
- Cultural Resources
- Noise and Vibration

- Tribal Cultural Resources.

Mitigation measures are identified in the EIR to reduce the environmental effects to less than significant levels. The Mitigation Monitoring and Reporting Program (MMRP) is included as part of the resolution certifying the Final Environmental Impact Report (**Resolution PC 2026-07**) and provides additional details of the required environmental mitigation measures.

Section 2. Discretionary Action(s) Findings – Tentative Map

Cities are required under state law to deny a Tentative Map if certain findings are made (Cal. Gov. Code § 66474). Based on the aforementioned analysis of this the project, as presented with waivers and applicable density bonuses under the State Density Bonus Law, and as conditioned, the circumstances relating to such findings under Government Code Section 66474 have not been identified with this project:

- 1. That the proposed map is not consistent with applicable general and specific plans as specified in Section 65451 of the Subdivision Map Act.**

The proposed residential subdivision includes a request for density bonus in accordance with the State Density Bonus Law (SDBL) (California Government Code Section 65915). According to the SDBL, the applicant can request to increase the allotted density per the local municipal code and general plan to exceed the maximum density in exchange for affordable housing. A maximum of 27 units are allowed under the State Density Bonus Law, and applicant is proposing 27 dwelling units. Of the 27 units, three of the units will be to very-low-income affordable households. The project has been conditioned to require that the affordable units be reserved for very low-income qualifying households in accordance with Section 65915. The States's Density Bonus Law would apply to all three units: Lots 20, 22, and 25, and the City's inclusionary rules would apply to two of the three units: Lots 20 and 22. Thus, of the three affordable units provided, two will comply with the City requirement that affordability restriction remain in place in perpetuity, and the third unit will comply with State law regarding the duration of affordability restrictions of 55 years. The proposed map is consistent with the General Plan, Subdivision Map Act and State Density Bonus Law.

- 2. That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.**

The project design and subdivision improvements are consistent with the General Plan and Encinitas Municipal Code, as conditioned herein.

- 3. That the site is not physically suitable for the proposed type of development.**

The project site is physically suitable for the proposed development and all necessary public facilities and services are in place, or can be extended, to serve the project. The applicant has submitted letters of service availability for the project from fire, sewer, water, elementary and school service providers confirming their ability to serve the site. The proposed subdivision design clusters the area of development to maximize the preservation of inland bluffs and steep slope areas on the project site. As a condition of approval, an open space easement will be recorded to preserve the open space area in perpetuity.

4. That the site is not physically suitable for the proposed density of development.

The proposed subdivision is consistent with the maximum density standards outlined in Chapter 30.16 (RR-2 and R-3 Zones) of the Municipal Code with the benefit of additional density afforded by the State Density Bonus Law. No physical characteristics or site conditions constrain the property resulting in the unsuitability of the development of the site as proposed. The project site is zoned RR-2 and R3, which allow for the development of single-family residential units. Further, the State Density Bonus Law facilitates the development of 27 units on the site.

5. That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially or avoidably injure fish or wildlife or their habitat.

The proposed subdivision is located in an urbanized area, surrounded by developed properties. An EIR was prepared for the project. The EIR analyzed environmental impacts to biological resources and concluded that any potentially significant impact (related to natural habitats, plant and animal species nesting birds and tree removal) can be mitigated. Therefore, with implementation of mitigation measures proposed, the project's contribution to a cumulative impact would be less than significant. Furthermore, The proposed subdivision's development footprint is limited to a portion of the project site, by clustering the proposed lots and preserving 0.94 acres of open space on the project site. The inland bluffs and steep slope areas at the northern portion of the property will be protected in an open space easement in perpetuity.

6. That the design of the subdivision or the type of improvements is likely to cause serious public health problems.

All necessary public facilities and services are in place, or can be extended, to serve the project. The applicant has submitted letters of facility availability for the project from fire, sewer, water, elementary and school service providers. No evidence has been identified to demonstrate that the proposed subdivision and associated improvements would cause serious health problems.

7. That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision. In this connection, the authorized agency may approve a map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is hereby granted to a legislative body to determine that the public at large has acquired easements through or use of property within the proposed subdivision.

All easements of record are identified in the preliminary title report for the subject property and shown on the proposed tentative map. No conflicts with easements of record have been identified.

Section 3. Discretionary Action(s) Findings – Design Review

Based on the findings for a Design Review Permit as per Encinitas Municipal Code Section 23.08.070.B (Final Determination) and the aforementioned analysis, Planning Commission has determined the following regulatory conclusions under Encinitas Municipal Code Section 23.08.080 which prevent approval are not present based on the conditions stated herein made the following findings to support the approval, with conditions:

- 1. The project design is inconsistent with the General Plan, a Specific Plan, or the provisions of this Code.**

The project is consistent with the provisions of the General Plan, and provisions of the Municipal Code, and the City of Encinitas Design Standards and Guidelines, except where modified pursuant to the State Density Bonus Law (SDBL). SDBL provides a pathway for the project to increase the allowable density (above that allowed by the general plan and RR-2 and R-3 zoning standards) in exchange for affordable housing.

- 2. The project design is substantially inconsistent with the Design Review Guidelines.**

The project is consistent with the City of Encinitas Design Guidelines, except where modified pursuant to the State Density Bonus Law. Impacts of the project on surrounding properties have been minimized by various design elements. The architecture proposes a variety in building materials and color schemes, as well as a variation in architectural style. The combination of landscaping and enhanced driveway treatments will provide a cohesive image of the project as viewed from the street and will contribute positively to the character of the neighborhood and surrounding area.

- 3. The project would adversely affect the health, safety, or general welfare of the community.**

No evidence has been found or provided indicating that the proposed project would adversely affect the health, safety, or general welfare of the surrounding neighborhood or community. All utilities and services are in place to serve the project. The Final EIR identified no significant negative environmental impacts (with the implementation of proposed mitigation measures) that would result from the proposed project.

Section 4. Discretionary Action(s) Findings – Coastal Development Permit

Based on the evidence presented and aforementioned analysis, the findings required for a Coastal Development Permit pursuant to Encinitas Municipal Code Section 30.80.090 (Coastal Development Permit), the Planning Commission has made the following findings to support the approval, with conditions:

- 1. The project is consistent with the certified Local Coastal Program of the City of Encinitas; and**

The project, as conditioned and presented with applicable density bonus and waivers under the State Density Bonus Law, complies with all Municipal Code requirements, policies of the General Plan; and, thus is consistent with the Local Coastal Program.

2. **The proposed development conforms with Public Resources Code Section 21000 and following (CEQA) in that there are no feasible mitigation measures or feasible alternatives available which would substantially lessen any significant adverse impact that the activity may have on the environment; and**

The proposed subdivision is located in an urbanized area, mostly surrounded by developed properties. An EIR was prepared for the project. The EIR analyzed environmental impacts to biological resources and concluded that any potentially significant impacts (related to natural habitats, plant and animal species nesting birds and tree removal) can be mitigated. Therefore, with implementation of mitigation measures proposed, the project's contribution to a cumulative impact would be less than significant.

3. **For projects involving development between the sea or other body of water and the nearest public road, approval shall include a specific finding that such development is in conformity with the public access and public recreation policies of Section 30200 et. seq. of the Coastal Act.**

The project site is not located between the sea and the first public road. Therefore, this provision is inapplicable.

Section 5. Incorporation of Environmental Determination and Findings

The above environmental determination and findings are supported by the minutes, maps, and exhibits, all of which are herein incorporated by reference.

BE IT FURTHER RESOLVED that based on the Environmental Determination and Findings hereinbefore adopted by the Planning Commission, Case Nos. MULTI-006443-2023, SUB-006459-2023, DR-006444-2023, and CDP-006445-2023 are hereby APPROVED subject to the conditions in Exhibit B.

PASSED AND ADOPTED this 7th day of May, 2026 by the Planning Commission of the City of Encinitas, State of California.

AYES:

NOES:

ABSTAIN:

ABSENT:

Robert Prendergast, Vice Chair

ATTEST:

Meagan Openshaw
Secretary

NOTE: This action is subject to Chapter 1.04 of the Municipal Code, which specifies time limits for legal challenges.

EXHIBIT "A"
RESOLUTION NO. PC-2026-06
Case Nos. MULTI-006443-2023, SUB-006459-2023,
DR-006444-2023, CDP-006445-2023

LEGAL DESCRIPTION

PARCEL A: APN: 258-141-23-00, APN: 258-141-24-00, APN: 258-141-25-00 & APN: 258-141-26-00

THE EASTERLY PARCEL OF CERTIFICATE OF COMPLIANCE RECORDED JULY 3, 1989 AS INSTRUMENT NO. 89-352904 OF OFFICIAL RECORDS, BEING ALL THAT PORTION OF PARCEL 2 OF PARCEL MAP NO. 2430, IN THE CITY OF ENCINITAS, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, AS SAID PARCEL MAP WAS FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, MARCH 8, 1974 AS INSTRUMENT NO. 74-059151 OF OFFICIAL RECORDS, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTHERLY LINE OF SAID PARCEL 2, DISTANT THEREON NORTH 85°19'14" EAST 267.90 FEET FROM THE NORTHWEST CORNER OF SAID PARCEL 2;

THENCE CONTINUING ALONG SAID NORTHERLY LINE, NORTH 85°19'14" EAST 123.48 FEET TO THE BEGINNING OF A TANGENT 749.00 FOOT RADIUS CURVE CONCAVE SOUTHWESTERLY;

THENCE SOUTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 38°08'53" A DISTANCE OF 498.69 FEET TO A POINT ON THE ARC OF SAID CURVE TO WHICH A RADIAL LINE BEARS NORTH 33°28'07" EAST, SAID POINT BEING THE NORTHEAST CORNER OF SAID PARCEL 2;

THENCE LEAVING SAID NORTHERLY LINE ALONG THE EASTERLY LINE THEREOF SOUTH 01°10'23" WEST 476.78 FEET TO THE SOUTHEAST CORNER OF SAID PARCEL;
THENCE ALONG THE SOUTHERLY THEREOF NORTH 88°49'37" WEST 484.86 FEET TO AN ANGLE POINT;

THENCE LEAVING SAID SOUTHERLY LINE NORTH 06°36'27" WEST 181.17 FEET TO AN ANGLE POINT;

THENCE NORTH 88°49'37" WEST 90.00 FEET;

THENCE NORTH 01°10'23" EAST 396.65 FEET TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM THAT PORTION THEREOF LYING WITHIN CAMINO EL DORADO AS CONDEMNED AND TAKEN BY THE CITY OF ENCINITAS BY FINAL ORDER OF

CONDEMNATION RECORDED ON JULY 23, 1998 AS INSTRUMENT NO. 1998-0460312 OF OFFICIAL RECORDS OF SAN DIEGO COUNTY.

PARCEL B: AN EASEMENT AND RIGHT OF WAY FOR INGRESS AND EGRESS, ROAD AND UTILITIES PURPOSES, INCLUDING BUT NOT LIMITED TO ELECTRIC POWER, TELEPHONE, GAS, WATER, SEWER AND CABLE TELEVISION LINES AND APPURTENANCES THERETO, OVER, UNDER, ALONG AND ACROSS THAT PORTION OF PARCEL 2 OF PARCEL MAP NO. 2430 IN THE CITY OF ENCINITAS, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, AS SAID PARCEL MAP WAS FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, MARCH 8, 1974 AS INSTRUMENT NO. 74-059151 OF OFFICIAL RECORDS, LYING WITHIN A STRIP OF LAND 40 FEET IN WIDTH, THE EASTERLY LINE OF SAID STRIP BEING DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTHERLY LINE OF SAID PARCEL 2, DISTANT THEREON NORTH 85°19'14" EAST, 267.90 FEET FROM THE NORTHWEST CORNER OF SAID PARCEL 2;

THENCE LEAVING SAID NORTH LINE SOUTH 01°10'23" WEST TO A POINT ON A LINE BEING PARALLEL WITH AND 100.00 FEET SOUTHERLY OF SAID NORTH LINE AND BEING THE TERMINUS OF SAID EASTERLY LINE.

EXHIBIT "B"
RESOLUTION NO. PC 2026-06
Case Nos. MULTI-006443-2023, SUB-006459-2023,
DR-006444-2023, CDP-006445-2023

Applicant: R&K Ballard Family LP

Location: APNs 258-141-23-00, 258-141-24-00, 258-141-25-00 and 258-141-26-00

CONDITIONS OF APPROVAL

SPECIFIC CONDITIONS

SCA The following Planning-related conditions shall be completed/fulfilled to the satisfaction of the Development Services Department:

1. Prior to the issuance of a building permit all lots with side yards fronting on Ocean Bluff Way or the private street (Lots 1, 17, 18, 22, 23, and 27) shall provide additional significant architectural features in the side yard setbacks, to the satisfaction of the Development Services Director, or designee, to demonstrate compliance with Chapter 5 of the City of Encinitas Design Standards and Guidelines.
2. Prior to the issuance of a building permit, plans for the two entry identification signs shall show compliance with EMC Section 30.60.070, including the reduction of area for the two signs to 32 square feet, and Chapter 5 of the City of Encinitas Design Standards and Guidelines to the satisfaction of the Development Services Director. All finish materials shall match the general project design theme.
3. Future architectural projections into all reduced setbacks (front, rear, interior or street side yard setbacks) may not exceed 18 inches.
4. Enhanced slope contouring for slope behind Lots 4-6 shall be provided, to the satisfaction of the Development Services Director, to comply with Chapter 3 of the City of Encinitas Design Standards and Guidelines.
5. Retaining wall finish materials shall include finishes that match the project's design theme, and shall be identified on all grading and building permit plans.
6. Model homes are permitted on Lots 26 and 27 and subject to EMC Section 30.46.100 and subject to a separate building permit.
7. Prior to the issuance of a building permit and to the satisfaction of the Development Services Director, plans shall provide window treatments designed by utilizing one of the methods identified in Section DS5.6.2 of the City of Encinitas Design Standards and Guidelines.

8. Prior to the issuance of a building permit and to the satisfaction of the Development Services Director, lighting plans shall show compliance with Section DS6.2.1 of the City of Encinitas Design Standards and Guidelines.
9. Prior to the issuance of a grading permit and to the satisfaction of the Development Services Director, all proposed retaining walls shall show compliance with Section DS5.9.2 of the City of Encinitas Design Standards and Guidelines.
10. Prior to the issuance of a building permit and to the satisfaction of the Development Services Director, landscape plans shall show compliance with Section DS2.6.2 of the City of Encinitas Design Standards and Guidelines.
11. Prior to the issuance of a grading or building permit and to the satisfaction of the Development Services Director, construction plans shall show enhancement of screening, reduced visual impacts, and enhanced privacy through the following:
 - a. View fencing (masonry base with viewing glass) along the western property lines of Lots 1 – 3 and the southern property line of Lot 4 shall be replaced with solid vinyl fencing material to increase privacy between the proposed development and the property to the southwest.
 - b. The retaining wall on the southern side of Lot 4 shall be constructed using a geogrid retaining wall system, not exceeding 6 feet, and planted and irrigated in order to provide complete screening and reduce visual impact.
 - c. To address privacy concerns, the developer shall purchase and install screening trees on the neighboring property (to the west, adjacent to Lots 1 – 4). The developer and neighbor shall work in good faith to determine the number, size, and locations of the trees to sufficiently provide privacy screening as determined by the Development Services director.
 - d. The existing chain link fence on the northern side of the neighboring property (to the west, adjacent to Lots 1 – 4) shall be extended by the developer to the proposed masonry wall within lot 4 to further address privacy concerns.
 - e. View fencing proposed within Lot 4 shall be replaced with solid vinyl fencing material.

SCB The following Engineering-related conditions shall be completed/fulfilled to the satisfaction of the Engineering Division:

1. **ESP – Dedications & Underground 500:** If the building addition creates 500 square feet or more of habitable area, or 750 square feet or more of combined habitable/nonhabitable area, undergrounding of service lines and/or a street dedication will be required.
2. **ESP – Improvement Requirement:** If the building addition creates 2,000 square feet or more of habitable area, or 2,500 square feet or more of combined habitable/nonhabitable area, public improvements will be required.

3. **ESP – Setback Boundary Survey:** The proposed building(s) lie on a building setback. A boundary survey performed by a licensed land surveyor is recommended to ensure that the proposed building does not encroach into the building setbacks per chapter 30.16 of the Municipal Code.
4. **ESP – Survey Monuments:** The existing survey monuments shall be referenced on the grading plan and shall be protected in-place. If any monument is disturbed or destroyed it shall be replaced by a licensed land surveyor and a Corner Record or Record of Survey shall be filed with the County prior to release of securities and/or building occupancy.
5. **ESP – Fees:** The applicant shall pay all applicable mitigation and impact fees including but not limited to Traffic Mitigation fees and Wastewater Capacity fees. These impact fees shall be paid in full prior to occupancy or use and reliance on the Major Use Permit.
6. **ESP – Parking:** On street Parallel parking spaces shall be 8' wide by 21' long or 21' long each for tandem parking.
7. **ESP – Boundary Walls:** All retaining walls proposed on the property boundary shall be capable of withstanding a surcharge.
8. **ESP – Private Storm and Flood Control Easement:** The owner shall record a private open space easement for stormwater pollution and flood control purposes *as shown on the Tentative Map*.
9. **ESP – Public General Utility Easement:** The owner shall dedicate to the City a Public General Utility Easement subject to terms and conditions contained in City Council Resolution No. 2009-63
10. **ESP – Private Drainage Easement:** The owner shall record a private drainage space easement to the benefit of all lots *as shown on the Tentative Map*.

SCC The following utility-related conditions shall be completed/fulfilled to the satisfaction of the Wastewater Division:

1. **Utility - Sewer Study:** Prior to issuance of any grading, public improvement, or building permit for this project, the City shall perform a sewer capacity study, at the owner's expense, evaluating the capacity of the public sewer system to convey the additional flow from this development. (EDM 4.200). The results of the sewer capacity study will dictate the design of the on-site sewer system and determine improvements of any existing off-site sewer pipelines as a result of the Project's impact to the City's sewer system. Developer shall be wholly responsible for the costs related to any sewer system improvements recommended by the sewer capacity study including the design and construction of off-site sewer facilities if necessary.
2. **Utility – Sewer Easement:** If public sewer will be installed within this development a sewer easement (or irrevocable offer to dedicate) shall be acquired before approval of

the grading/public improvement/or building permit. The width of the sewer easement is detailed in the City's Engineering Design Manual.

SCD The following traffic engineering-related conditions shall be completed/fulfilled to the satisfaction of the Traffic Engineering Division:

1. The applicant shall pay Traffic Mitigation Fees, based on the number of dwelling units, as required by Encinitas Municipal Code Section 23.94.055. Fees shall be paid prior to building permit issuance.
2. The applicant shall submit a signing and striping plan for Ocean Bluff Way and Camino El Dorado for City review and approval, to the satisfaction of the City Engineer.
3. Prior to occupancy, the applicant shall demonstrate to the satisfaction of the City Engineer that the proposed driveways along Ocean Bluff Way provide unobstructed sight distance, in accordance with the Sight Distance Exhibit and applicable City standards.
4. Prior to conducting any work within the City's right-of-way, the applicant shall submit a traffic control plan for review and approval by the City.
5. The project will increase traffic volume on the non-Circulation Element roadways of Camino De Orchidia and Camino El Dorado. To address these impacts, the applicant shall implement traffic calming measures on both streets, subject to the review and approval of the City Engineer. Such measures may include, but are not limited to, speed feedback signs and speed cushions. Following project occupancy and prior to the full release of the project's public improvement security deposit, Camino De Orchidia and Camino El Dorado shall be evaluated under the City's First Tier Speed Cushion Program. All required traffic calming measures shall be installed to the satisfaction of the City Engineer and completed prior to the full release of the public improvement security deposit.

STANDARD CONDITIONS

PLANNING:

CONTACT THE DEVELOPMENT SERVICES DEPARTMENT REGARDING COMPLIANCE WITH THE FOLLOWING CONDITIONS:

- A 01** **Approval - General:** At any time after two years from the date of this approval, on **May 7, 2028** at 5 p.m., or the expiration date of any extension granted in accordance with the Municipal Code, the application shall be deemed expired as of the above date, unless a timely extension is filed 15 days prior to the expiration date.
- A 02** **Approval - General:** This approval may be appealed to the City Council within 10-calendar days from the date of this approval in accordance with Chapter 1.12 of the Municipal Code.
- A 04** **Approval - General:** This project is conditionally approved as set forth on the application and project drawings consisting of 164 sheets including **Architecture**

(139 sheets), Civil Engineering (12 sheets), and Landscaping (13 sheets) all designated as approved by the **Planning Commission** on **May 7, 2026**, and shall not be altered without express authorization by the Development Services Department.

- A 08** **Approval - General:** Approval of this request shall not waive compliance with any sections of the Municipal Code and all other applicable City regulations in effect at the time of Building Permit issuance unless specifically waived herein.
- A 09** **Approval - General:** Prior to any use or issuance of final occupancy of the project site pursuant to this permit, all conditions of approval contained herein shall be completed or secured to the satisfaction of the Development Services Department.
- BD 01** **Bluff-top Development:** Owner(s) shall enter into and record a covenant satisfactory to the City Attorney waiving any claims of liability against the City and agreeing to indemnify and hold harmless the City and City's employees relative to the approved project. This covenant is applicable to any bluff failure and erosion resulting from the development project.
- BD 03** **Bluff-top Development:** The property **owner** shall execute and record a covenant to the satisfaction of the Development Services Department setting forth the terms and conditions of this approval prior to the issuance of Building Permits. Said covenant shall also provide that the property owner shall be responsible for maintaining the approved structure(s) in good visual and structural condition in a manner satisfactory to the Development Services Director.
- BD 04** **Bluff-top Development:** An "as-built geotechnical report" shall be submitted to the Development Services Department, for review and acceptance, prior to approval of the foundation inspection. The report shall outline all field test locations and results, and observations performed by the consultant during construction of the proposed structure(s), and especially relative to the depths and actual location of the foundations. The report shall also verify that the recommendations contained in the Geotechnical Investigation Report, prepared and submitted in conjunction with the application, have been properly implemented and completed.
- BD 05** **Bluff-top Development:** An "as-built geotechnical report", reviewed and signed by both the soils/geotechnical engineer and the project engineering geologist, shall be completed and submitted to the City within 15 working days after completion of the project. The project shall not be considered complete (and thereby approved for use or occupancy) until the as-built report is received and the content of the report is found acceptable by the Development Services Department.
- BD 07** **Bluff-top Development:** The property owner shall monitor the irrigation system to ensure that no over-watering occurs. The proposed landscape system shall be disconnected as specified in the approved Landscape and Irrigation Letter Report within one year from final approval of the project. If sufficient evidence is submitted showing that the plantings are not fully established after one year, the time period for utilization of the irrigation system may be extended to ensure the proper establishment of the plantings.

- CT/SO 01 Construction Trailers/Sales Office:** Any and all temporary construction trailers or sales offices, used during the course of development, shall be removed prior to the issuance of Certificate of Occupancy to the satisfaction of the Development Services Department.
- CT/SO 02 Construction Trailers/Sales Office:** Any use of a trailer coach as a temporary business/sales office shall comply with the provisions of Chapter 30.46 of the Municipal Code and shall be removed upon completion of the sales program.
- DR 01 Design Review:** Any future modifications to the approved project will be reviewed relative to the findings for substantial conformance with a Design Review Permit contained in Section 23.08.140 of the Municipal Code. Modifications beyond the scope described therein may require submittal of an amendment to the Design Review Permit and approval by the authorized agency.
- DR 02 Design Review:** Side and rear elevations and window treatments shall be trimmed and architecturally treated so as to substantially match the front elevations. This treatment shall be reflected in building plans and shall be found satisfactory by the Development Services Department prior to the issuance of Building Permits.
- DR 03 Design Review:** All project grading shall conform with the approved plans. If no grading is proposed on the approved plans, or subsequent grading plans are inconsistent with the grading shown on the approved plans, a Design Review Permit for such grading shall be obtained from the authorized agency of the City prior to issuance of Grading or Building Permits.
- DR 04 Design Review:** Decorative use of neon or LED tubing or banding, such as tubing around windows or doors or banding around the building exterior, shall not be allowed unless approved through subsequent Design Review Permit modification(s).
- DF 01 Development Fees:** The applicant shall pay development fees at the established rate. Such fees may include but are not limited to: permit and plan checking fees, water and sewer service fees, school fees, traffic mitigation fees, flood control mitigation fees, park mitigation fees, and fire mitigation, and fire cost recovery fees. **All plan check, permit, and service fees shall be paid in accordance with the table below to the satisfaction of the applicable Department Director or designee.** The applicant is advised to contact the Development Services Department regarding Park Mitigation Fees (Planning Division), Flood Control and Traffic Fees (Engineering Division), applicable School District(s) regarding School Fees (Building Division), Fire Mitigation/Cost Recovery Fees (Fire Department), and the applicable Utility Departments or Districts regarding Water and/or Sewer Fees.

Fee Name	Department/Division	Timing for fee collection ¹
Affordable Housing Monitoring Fee	Planning Division	Prior to building permit issuance
Fire mitigation fee	Fire Prevention	Prior to building permit issuance

Fire cost recovery fee	Fire Prevention	Prior to building/fire permit issuance
Flood control mitigation fee	Engineering Division	With grading permit issuance/or prior to final building permit issuance
Inclusionary housing in-lieu fee	Planning Division	Prior to final map recordation or prior to building permit issuance
Parkland acquisition fee	Planning Division	Prior to certificate of occupancy
Parkland development fee	Planning Division	Prior to certificate of occupancy
Plan check fee	Building, Engineering, Fire Prevention and Planning Divisions	At plan check submittal
Permit fee	Building Division and Engineering Division	At permit issuance
School fees	Building Division	Prior to building permit issuance
Traffic mitigation fee	Engineering Division	Prior to building permit issuance
Water and sewer fee	Engineering Division	Prior to permit issuance
¹ Initiating use in reliance on this approval may apply when no permits required.		

EM 01

Electrical and Mechanical Equipment: All roof-mounted equipment and appurtenances, including air conditioners and their associated vents, conduits and other mechanical and electrical equipment, shall be architecturally integrated, and shall be shielded from view and sound buffered to the satisfaction of the Development Services Department. Note: All rooftop equipment shall be assumed visible unless demonstrated otherwise to the satisfaction of the Development Services Department, and adequate structural support shall be incorporated into building design. Rooftop vent pipes shall be combined below the roof and shall utilize decorative caps where visible from any point.

EM 02

Electrical and Mechanical Equipment: All ground-mounted mechanical and electrical equipment shall be screened, and sound buffered through use of a wall, fence, landscaping, berm, or combination thereof and shall be designed to be compatible with the primary building's exterior to the satisfaction of the Development Services Department.

HC 01 **Height Certification:** Prior to issuing a final inspection on framing, the applicant shall provide a survey from a licensed surveyor or a registered civil engineer verifying that the building height is in compliance with the approved plans. The height certification/survey shall be supplemented with a copy of the site plan and elevations depicting the exact point(s) of certification to the satisfaction of the Development Services Director. The engineer/surveyor shall contact the Development Services Department to identify and finalize the exact point(s) to be certified prior to conducting the survey.

H 01 **Housing:** Projects involving a subdivision or development proposal involving five or more residential units shall be required to provide an Affirmative Fair Housing Marketing Plan or provide evidence that the developer/builder is a Voluntary Affirmative Marketing Agreement (VAMA) signatory and has paid the required per unit fee for VAMA administration. The Affirmative Fair Housing Marketing Plan/evidence of being a VAMA signatory must be found satisfactory by the Development Services Department prior to approval of a Final Map, Final Parcel Map, or issuance of Building Permits, whichever comes first.

H 02 **Housing:** Prior to **Final Map/Building Permit** issuance, the developer shall execute and record a regulatory agreement and declaration of covenants, conditions, and restrictions for affordable housing units satisfactory to the Development Services Department, in a form approved by the City Attorney, to be executed by the City Manager, reserving **3** units as affordable housing units. Said agreement/covenant shall include language that the two inclusionary (affordable) housing units shall be reserved in perpetuity in accordance with the Affordable Housing Plan and the one density bonus (affordable) housing unit shall be reserved for a minimum of 55 years. If required by the construction, or mortgage financing assistance program, mortgage insurance program, or rental subsidy program, the units shall be reserved for a longer period. Agreement/covenant shall specify affordability levels based on the regional median income levels as identified in the table below. Income levels and affordable housing payments are established by California Department of Housing and Community Development (HCD) on an annual basis. The agreement/covenant shall identify the type, size and location of each affordable unit; and shall specify phasing of the affordable units in relation to the market-rate units consistent with the approved affordable housing plan and any adopted affordable housing guidelines, as determined by the City Manager or designee.

Number of Units	Affordability Level	Area Median Income (AMI)	Deed Restriction
3	Very-Low	50 Percent	Two units for perpetuity and one unit for 55 years.

H 03 **Housing:** The City may not issue Building Permits for more than 50 percent of the market rate units, until it has issued Building Permits for all of the affordable units, and the City may not approve any final inspections or certificates of occupancy for more than 75 percent of the market rate units until it has issued final inspections or certificates of occupancy for all of the affordable units. The final approval body of the City and developer may agree on an alternative schedule for development that is included in the affordable housing agreement.

- H 04** **Housing:** Affordable units shall be comparable in exterior appearance and overall quality of construction to market-rate units in the same housing development. Interior finishes and amenities may differ from those provided in the market rate units, but neither the workmanship nor the products may be of substandard or inferior quality as determined by the City. The affordable units shall have the same minimum number of bedrooms as the market-rate units, and the unit mix for the affordable units shall be proportional to that of the market-rate units.
- H 05** **Housing:** The applicant shall advertise the availability of the Affordable Units for a minimum of two consecutive weeks. The applicant may employ additional marketing methods that are in accordance with industry standards. The City may also advertise the Affordable Units and provide contact information to interested households. The applicant's advertisements must be submitted to the City for review and approval prior to publication and must include the following details:
1. That the Affordable Units are subject to affordability restrictions, set forth the application instructions and deadlines, contact information, and fair housing statement. The applicant shall utilize an advertisement template provided by the City. Not less than five (5) business days prior to publication, the applicant shall advise the City of the publications which will carry the advertisements and the dates the advertisements will be published. The advertisement period shall be for a minimum of two weeks. The applicant shall not begin the selection process until after the two-week advertisement period has ended. The applicant shall maintain a record of all interested households and applications and shall provide such documentation to the City upon request.
- H 06** The City may use a third-party consultant for purposes of selection and screening of potential purchasers of affordable units. In such event, Developer shall cooperate with, utilize and pay all costs of such third-party consultant.
- I 01** **Indemnification:** To the maximum extent permitted by law, the Owner(s) shall waive any claims of liability against the City, and shall indemnify, hold harmless and defend the City of Encinitas, and its agents, officers and employees from and against any and all actions, claims, damages, liabilities and/or proceedings arising from: (i) the City's approval of any and all entitlements or permits relating to the project; (ii) any injury to or death of any person, or damage or injury of any kind to property which may arise from or be related to the direct or indirect operations of the Owner(s) or its contractors, subcontractors, agents, employees, or other persons acting on the Owner(s)'s behalf relating to the project; and (iii) the operation of the project.
- The Owner(s) further agree that such indemnification and hold harmless shall include all defense related fees and costs associated with the defense of the City by counsel approved by the City. This indemnification shall not terminate upon expiration of the conditions of approval or completion of the project, but shall survive in perpetuity.
- L 01** **Landscaping:** The project *is* subject to Chapter 23.26 of the Municipal Code (Water Efficient Landscape Program), which requires a landscape and irrigation plan to be prepared by a State licensed landscape designer. The requirements for

the plans are listed in Chapter 23.26. The landscape and irrigation plans, including the required signature block of the State licensed landscape designer, must be submitted as part of the Building Permit application for the project.

- L 02** **Landscaping:** All required plantings and automated irrigation systems shall be in place prior to use or occupancy of new buildings or structures. All required plantings and automated irrigation systems shall be maintained in good condition, and whenever necessary, shall be replaced with new materials to ensure continued compliance with applicable landscaping, buffering, and screening requirements. All landscaping and irrigation systems shall be maintained in a manner that will not depreciate adjacent property values and otherwise adversely affect adjacent properties. All irrigation lines shall be installed and maintained underground (except drip irrigation systems).
- L 04** **Landscaping:** All landscaping, fences, walls, etc. on the site and in any adjoining public parkways (the area between the front property line and the street) shall be permanently maintained by the owner, assigns or any successors in interest in the **property / homeowners' association**. The maintenance program shall include normal care and irrigation of the landscaping; repair and replacement of plant materials and irrigation systems as necessary; and general cleanup of the landscaped and open areas, parking lots and walkways, walls, fences, etc. Failure to maintain landscaping and the site in general may result in the setting of a public hearing to revoke or modify the approval.
- L 05** **Landscaping:** Upon completion of the installation of the landscaping and the irrigation system, a final field observation shall be conducted, and a certification of substantial completion shall be provided to the City. The certificate shall specifically indicate that plants were installed as specified and that the irrigation system was installed as designed. The certificate of substantial completion shall be completed and signed by a State licensed landscape architect, landscape contractor, or an irrigation designer who also holds a State license in the landscape field.
- L 06** **Landscaping:** The project shall provide 50 percent of the total landscape area as southern California native landscaping.
- MH 01** Model homes, in a number not to exceed that necessary to provide an example of each dwelling type being offered, may be allowed in accordance with 30.46.100 of the Municipal Code. That Section provides that Building Permits may not be issued for model homes until a Final Map has been recorded, or, in the alternative, that a Final Map has been submitted which the Development Services Director has determined to be in conformance with the approved Tentative Map and technically correct. In addition, that Section provides that prior to issuance of Building Permits for model homes, the applicant shall provide a site plan to the satisfaction of the Development Services Department, indicating, among other things, the location of the model homes and their relation to off-street parking, vehicular and pedestrian access, and existing and all known future development in surrounding areas.
- MH 02** Model homes shall include at least one model designated as a "Water Efficient Landscape Model" in accordance with Section 23.26.110 of the Municipal Code, featuring elements such as hydro zones, irrigation equipment, and other elements

which contribute to overall water efficiency pursuant to Chapter 23.26 of the Municipal Code.

- MH 03** All sales maps that are distributed or made available to the public shall include but shall not be limited to trails, future and existing schools, parks, streets, and all other adjacent and all known future development.
- P04** **Parking:** Garages enclosing required parking spaces shall be available and usable for the parking of owner/tenant vehicles at all times, and not be rented or conveyed separately from the appurtenant dwelling unit without City approval.
- SSO 01** **Security, Safety and Operations:** Prior to issuance of a **Grading Permit**, a Security, Safety, and Operations plan shall be submitted and approved by the Development Services Department and the Fire Department. Such plan shall include, but not be limited to, the following items (as applicable): site location, owner info, 24-hour emergency contact info, safety and perimeter fencing, access location(s), loading/unloading zones, onsite/offsite circulation, worker parking and signage, temporary parking lot location/design, neighborhood traffic flow, model home phasing and fencing, large vehicle turnaround areas, signage for haul routes per EMC 23.24.410, construction trailer location, hours of grading and building permit operations, City tree protection zones, hours of hauling (i.e. school routes, prime arterials, impacted streets, etc.), and construction phasing.
- SIGN 01** **Signs:** Any signs proposed for this development shall be designed and approved in conformance with Encinitas Municipal Code Chapter 30.60.
- SIGN 02** **Signs:** Temporary subdivision advertising signs and any model home and information signage shall be submitted to the Development Services Department for review and approval prior to issuance of Building Permits.
- SIGN 03** **Signs:** Signs are approved as submitted and as shown in the approved project plans or sign program. Any alteration/addition to the approved signs not exempted in Municipal Code Chapter 30.60 may require a permit amendment, and the applicant should contact the Development Services Department prior to undertaking any such modification.
- SLOPE 01** **Steep Slope Open Space Easement:** Prior to the issuance of a Grading Permit, the applicant shall submit a plat and legal description with closure calculations for the project to record a steep slope open space easement over all steep slopes of 25 percent or greater in gradient to the satisfaction of the Development Services Department.
- MAPS 01** **Maps:** Approval of the Tentative Map will expire on **May 7, 2029**, at 5 p.m., three years after the approval of this project, unless the conditions have been met or an extension of time has been approved pursuant to the Municipal Code.
- MAPS 03** **Maps:** This approval may be appealed to the City Council within 10 calendar days from the date of this approval pursuant to Chapter 1.12 of the Municipal Code.
- MAPS 04** **Maps:** All project grading shall conform with the approved **Tentative Map**. In cases where no grading is proposed at the time of the **Tentative Map**, or in cases where

the Grading Plan later submitted is not consistent with the approved ***Tentative Map***, the applicant may be subject to Chapter 23.08.030 of the Municipal Code and required to obtain a Design Review permit for grading prior to issuance of Grading Permits.

- MAPS 07** **Maps:** Requests for street names shall be submitted by an ***applicant/owner*** to the City for review and approval. Street names shall be approved by the City prior to the recordation of the Final Map.
- MAPS 08** **Maps:** Requests for street addresses shall be submitted by an ***applicant/owner*** to the City for review and approval. Street addresses shall be provided by the Development Services Department prior to the issuance of Building Permits.
- MAPS 09** **Maps:** Prior to Final Map Approval, the CC&Rs for the project shall be submitted to the Development Services Department for review and approval.
- UTILITY 01** **Utility Connections:** All utility connections shall be designed to coordinate with the architectural elements of the site so as not to be exposed except where necessary. Locations of pad mounted transformers, meter boxes, and other utility related items shall be included in the site plan submitted with the Building Permit application with appropriate screening treatment. Transformers, terminal boxes, meter cabinets, pedestals, ducts and other facilities may be placed above ground provided they are screened with landscaping.
- WF 01** **Walls and Fences:** All retaining and other freestanding walls, fences, and enclosures shall be architecturally designed in a manner similar to, and consistent with, the primary structures (stucco-coated masonry, split-face block, slump stone, etc.). These items shall be approved by the Development Services Department prior to the issuance of ***building and/or grading permits***
- WF 02** **Walls and Fences:** Any wall, fence or combination thereof exceeding six feet in height and facing any neighboring property or visible from the public right-of-way shall be subject to design review pursuant to Section 23.08.040.A.1 of the Encinitas Municipal Code. Where a minimum two feet horizontal offset is provided, within which screening vegetation is provided to the satisfaction of the Development Services Department, the fence/wall may not be considered one continuous structure for purpose of measuring height and may be exempted from design review provided none of the offset fences or walls exceed six feet in height.
- WF 03** **Walls and Fences:** All masonry freestanding or retaining walls visible from points beyond the project site shall be treated with a protective sealant coating to facilitate graffiti removal. The sealant shall be of a type satisfactory to the Development Services Department. The property owner shall be responsible for the removal in a timely manner of any graffiti posted on such walls.

BUILDING:

CONTACT THE DEVELOPMENT SERVICES DEPARTMENT REGARDING COMPLIANCE WITH THE FOLLOWING CONDITION(S):

- BLDG 02 Single Family and Duplex:** The applicant shall submit a complete set of construction plans to the Development Services Department for building permit plan check processing. The submittal shall include a Soils/Geotechnical Report, structural calculations, and State Energy compliance documentation (Title 24). Construction plans shall include a site plan, a foundation plan, floor and roof framing plans, floor plan(s), section details, exterior elevations, and materials specifications. Submitted plans must show compliance with the latest adopted editions of the California Building Code (The Uniform Building Code with California Amendments, the California Mechanical, Electrical and Plumbing Codes). These comments are preliminary only. A comprehensive plan check will be completed prior to permit issuance and additional technical code requirements may be identified and changes to the originally submitted plans may be required.
- BLDG 03 Water and Sewer:** Prior to the Building Division approving the connection from the buildings to the private sewer or water systems located in the private right of way, the civil engineer responsible for the design and the inspector responsible for the system inspection must certify in writing to the City Engineer that the sewer and/or water systems were designed and constructed in accordance with the utility district or agency standards for public systems.
- EV 01 Electric Vehicle Charging Ready (Single-Family):** New single-family dwellings, two-family dwellings (duplexes), and townhouses with a private garage shall include a dedicated 208/240-volt branch circuit rated to 40 amperes minimum for each unit capable of accommodating a future Level 2 home electric vehicle charging station, per Encinitas Municipal Code 23.12.110.
- EE 04 Energy Performance (Single-Family):** New single-family homes, where dwelling units are 1,500 square feet or more of conditioned space, shall achieve an Energy Design Ratio 1 (EDR1) that is at least 4.5 points lower than the California Energy Code requirement, per Encinitas Municipal Code 23.12.080. If the compliance documents are prepared by a Certified Energy Analyst, the EDR1 may be at least 3.5 points lower than the California Energy Code requirement.
- EE 06 Energy Performance (All Residential):** All single family and multi-family buildings that use gas for space or water heating shall be designed and constructed for future conversion to electric heat pump technology, per Encinitas Municipal Code 23.12.080. This includes requirements that exceed the California Energy Code for multi-family central gas water heating systems.
- SPV 01 Solar Photovoltaic (Single-Family):** All newly constructed single-family buildings shall install a photovoltaic (PV) system sized according to California Building Code, Title 24, Part 6, Energy Code Section 150.1(c).
- GWS 01 Graywater Systems (New single-family):** Newly constructed single-family dwelling units shall be pre-plumbed with graywater plumbing to all graywater

eligible discharge sources and with a stub-out convenient for connection to the landscape irrigation system, per Encinitas Municipal Code 23.12.110.

ENGINEERING:

CONTACT THE ENGINEERING DEPARTMENT REGARDING COMPLIANCE WITH THE FOLLOWING CONDITION(S):

Grading

- GRD 01 Grading – Regulations:** All City Codes, regulations, and policies in effect at the time of building/grading permit issuance shall apply.
- GRD 02 Grading – Datum:** All drawings submitted for Engineering permits are required to be based on the NAVD 88 datum; the NGVD 29 datum will not be accepted.
- GRD 03 Grading – Plan:** The applicant shall submit a Grading Plan for review and obtain a Grading Permit prior to the commencement of any clearing or grading of the site. The Grading Plan shall include, but not be limited to, the design for site grading, drainage improvements, erosion control, stormwater pollution control, and on-site pavement.
- GRD 04 Grading – Responsible Charge:** The grading for this project is defined in Chapter 23.24 of the Encinitas Municipal Code. Grading shall be performed under the observation of a civil and geotechnical engineer whose responsibility it shall be to coordinate site inspection and testing to ensure compliance of the work with the approved grading plan, submit required reports to the Engineering Department and verify compliance with Chapter 23.24 of the Encinitas Municipal Code.
- GRD 05 Grading – Offsite Authorization:** No grading shall occur outside the limits of the project boundary and easements unless a letter of permission is obtained from the owners of the affected properties and provided to the Engineering Department.
- GRD 06 Grading – Borrow/Disposal Sites:** Separate grading plans shall be submitted and approved, and separate grading permits issued for borrow or disposal sites if located within the city limits. Import material shall be free of organic material, trash, debris, and environmental contaminants.
- GRD 07 Grading – Slopes:** All newly created slopes within this project shall be no steeper than 2:1.
- GRD 09 Grading – Reports:** Geotechnical, Drainage/Hydrology, Stormwater Quality, and Traffic studies/report (as applicable) shall be prepared by a qualified engineer licensed by the State of California to perform such work. The reports shall be submitted with the first grading plan submittal and shall be approved prior to issuance of any grading or improvement permit for the project.
- GRD 10 Grading – Haul Route:** Prior to hauling dirt or construction materials to any proposed construction site within this project the developer shall submit to and receive approval from the Engineering Department for the proposed haul route. The applicant shall comply with Municipal Code section 23.24.410 as well as all conditions and

requirements the Engineering Department may impose with regards to the hauling operation.

GRD 11 Grading – Drainage Plan: The project's building plan(s) shall include an engineered drainage and stormwater quality treatment BMP site plan prior to approval of building permit. The plan shall provide at a minimum the design for precise grading, drainage improvements, erosion control, stormwater pollution control, and impervious surfaces.

GRD 13 Grading – Structural Review: All proposed temporary shoring and/or non-standard structural retaining wall shall be included as part of the grading plans and will be reviewed by the City's third-party reviewer. Additional plan check fees shall be required.

Drainage Conditions

DRAIN 01 Drainage – Erosion Control: An erosion control system shall be designed and installed onsite during all construction activity. The system shall prevent discharge of sediment and all other pollutants onto adjacent streets and into the storm drain system. The City of Encinitas Stormwater Standards Manual shall be employed to determine appropriate stormwater pollution control practices during construction.

DRAIN 02 Drainage – Drainage System: A drainage system capable of handling and disposing of all surface water originating within the project site, and all surface waters that may flow onto the project site from adjacent lands, shall be required. Said drainage system shall include any easements and structures required by the Engineering Department to properly handle the drainage.

DRAIN 03 Drainage – Flood Control Fee: Pursuant to Municipal Code Chapter 23.96, the applicant shall pay the current adopted Flood Control Fee for the creation of new impervious surfaces prior to issuance of the building or grading permit for this project to the satisfaction of the Engineering Department.

DRAIN 04 Drainage – Hold Harmless: The owner of the subject property shall execute and record a covenant holding the City harmless for drainage prior to approval of any grading or building permit for this project.

DRAIN 05 Drainage – Concentrated Flows: Concentrated flows across driveways and/or sidewalks shall not be permitted.

DRAIN 06 Drainage – Flow Rate: The drainage system shall be designed to ensure that runoff resulting from a 100-year frequency storm underdeveloped conditions is equal to or less than the runoff from a storm of the same frequency and duration under existing conditions. Both 6 hour and 24-hour storm durations shall be analyzed to determine the mitigation necessary to accomplish the desired results.

DRAIN 07 Drainage – Cross Lot Drainage: Runoff from this property drains to the adjacent property. The applicant shall design and construct a detention/infiltration basin to receive site runoff discharging onto the adjacent property. The detention/infiltration basin shall be designed to ensure that the impact of the runoff on the adjacent

property is less than or equal to the predevelopment condition to the satisfaction of the Engineering Department.

Street Conditions

- ST 01 Street – Right-of-Way Permit:** Prior to any work being performed in the public right-of-way or City easement, a right-of-way construction permit shall be obtained from the Engineering Department and appropriate fees paid, in addition to any other permits required.
- ST 02 Street – Encroachment Agreement:** Private improvements constructed within the present or future public right-of-way shall be considered temporary. The owner shall enter into an Encroachment Maintenance and Removal covenant agreeing to maintain the improvements in perpetuity and to remove those improvements at the direction of the City.
- ST 03 Street – Dedication General:** The owner shall dedicate to the City of Encinitas all public streets and easements required by these conditions or shown on the site development plan. The offer shall be made by execution of an easement document or by a certificate on the Map or Parcel Map prior to issuance of any building/grading permit for this project. All land so offered shall be dedicated to the City free and clear of all liens and encumbrances and without cost to the City. Streets that are already public are not required to be rededicated.
- ST 04 Street – Dedication:** The owner shall dedicate to the City of Encinitas a 13 feet wide Easement for Public Street Right-of-Way subject to the terms and conditions set forth in the City of Encinitas Resolution 2009-52 adopted October 28, 2009 to the City of Encinitas along the property frontage to Ocean Bluff Way to ensure a property line to center line distance of 30 feet per City of Encinitas Public Road Standards. The plat, existing legal description, and easement legal description including lot closures shall be included prior to final map recordation.
- ST 07 Street - Public Easement for Private Streets:** The owner shall dedicate a Public Easement for Private Streets to the City of Encinitas subject to the terms and conditions set forth in the City of Encinitas Resolution 2009-53 over the private road. Said easement grants to the City of Encinitas public rights-of-way uses such as, but not limited to public utilities, signage, trash collection and emergency vehicles.
- ST 08 Street – Private Maintenance Agreement:** The owner(s) shall record a Private Road and Drainage Facilities Maintenance Agreement against the subject property to ensure private maintenance in perpetuity.
- ST 09 Street – Reciprocal Access and Maintenance:** Reciprocal access and/or maintenance easements/agreements shall be provided ensuring access to all parcels over private roads, drives or parking areas and maintenance thereof to the satisfaction of the Engineering Department.
- ST 10 Street – Road Within Easements:** A licensed Civil Engineer or Land Surveyor shall provide a signed statement that:

"The existing private roads of access to the project are within the easements for the benefit of the land division".

- ST 11** **Street – Structural Section:** The design of all private driveways and drainage systems shall be approved by the Engineering Department prior to issuance of any grading, improvement or building permit for this project. The structural section of all private streets shall conform to City of Encinitas minimum standards or be based on R-value tests, whichever is greater.
- ST 12** **Street – Acquisition:** Some improvements shown on the site plan and/or required by these conditions are located offsite on property which neither the City nor the subdivider has sufficient title or interest to permit the improvements to be made without acquisition of title or interest. The subdivider shall conform to Municipal Code Section 24.16.070 regarding offsite improvements and acquisition of property interest.
- ST 13** **Street – Improvements Standard:** The owner shall construct public improvements along the property frontage of Ocean Bluff Way. Street improvements shall include pavement widening and the construction of standard curb, gutter and contiguous sidewalk along the entire property frontage. The pavement section shall be based on in situ R-value testing but shall be a minimum of 4" of AC over 6" Class II Base. The curb line shall be located 15 feet from centerline. Driveway aprons shall be constructed per SDRSD standards. Any required transitions shall be located outside of the property frontage.
- ST 18** **Street – Improvement Paved Swale:** The area between the existing street pavement and property line shall be graded up with a slope ranging between 2% and 8.5% to allow 6" rise from the flow line invert to the property line. A minimum 2-foot wide paved swale shall be provided where no curb and gutter is proposed.
- ST 19** **Street – Curb Returns:** The entrance to the subdivision shall be a standard public & private road intersection with 20' minimum radius curb returns, PCC cross gutter, and ADA compliant pedestrian ramps.
- ST 20** **Street – Pedestrian Ramp:** Standard ADA compliant pedestrian curb ramps shall be required at the curb returns for the public/private road. A public pedestrian easement will be required for any portion of the curb ramp within private property.
- ST 21** **Street – ADA General:** All paths of travel, sidewalks, curb ramps, pedestrian ramps, driveway aprons, etc. shall be designed and constructed in compliance with ADA standards. Prior to completion of the project, each and every facility shall be inspected against the City's Public Right-of-Way Curb Ramp Inspection form.
- ST 25** **Street – Public Improvement Repairs:** Any portion of the existing sidewalk or any other public improvements damaged during construction shall be repaired and/or replaced to the next joint to the satisfaction of the Engineering Department.

- ST 26 Street – Public Facility Protection:** All street signs, lights, lamps, utilities, etc. located within the public right-of-way shall be protected in-place during construction or replaced to the satisfaction of the Engineering Department.
- ST 28 Street – Homeowners Association:** A Homeowners Association shall be formed to accept the maintenance responsibility of all commonly owned facilities including but not limited to open space areas, the bioretention basin and all other stormwater treatment facilities, the private road and all improvements, and any private storm drain infrastructure. These areas shall be called out as “Non-buildable.” City staff shall review and approve the CC & R’s for the project prior to approval of the final subdivision map.
- ST 29 Street – Mailbox:** A centralized cluster style mailbox shall be located on private property in a location approve by the City and USPS.
- ST 30 Streets – Traffic Control Plan:** Prior to commencement of any work in the public right-of-way or other work that may cause a traffic disturbance, the applicant shall obtain approval of a Traffic Control Plan from the City’s Traffic Engineering division, as necessary.

Utilities Conditions

- UT 01 Utility – Regulations/Coordination:** The owner shall comply with all the rules, regulations, and design requirements of the respective utility agencies regarding services to the project. The owner shall be responsible for coordination with SDG&E, AT&T, Cox, SDWD, OMWD, LWD, and all other applicable utility companies.
- UT 02 Utility – Underground:** All proposed utility services within the project shall be installed underground including existing utilities unless exempt by the Municipal Code.
- UT 03 Utility – Underground Existing Services:** All existing overhead utility services to the property shall be reconstructed underground and the overhead lines removed.
- UT 04 Utility – Underground Existing Facilities:** The owner shall be responsible for the relocation and undergrounding of existing public utilities and appurtenances, as required including but not limited to pedestals, cabinets, vaults, poles, and guy wires.
- UT 16 Utility – Existing & Proposed Facilities:** The location of all utility facilities such as backflow preventers, transformers, etc. shall be plotted and adequate screening shall be provided to the satisfaction of the Engineering Department. Private facilities shall be located out of the public right-of-way to the maximum extent practicable. Any authorized encroachment into the public right-of-way will require an Encroachment Maintenance and Removal Covenant.
- UT 18 Utility – Clearance:** No excavation shall be permitted within five (5) feet of any utility pole or anchor without written approval of the utility pole owner.

Stormwater Pollution Control Conditions

- STORM 01 Stormwater – SWPPP:** Grading projects with a disturbed area of greater than one (1) acre must also meet additional requirements from the State Water Resources Control Board (SWRCB) and shall obtain coverage under the California State General Construction Permit. Those additional requirements may include filing a Notice of Intent (NOI) and preparing a Stormwater Pollution Prevention Plan (SWPPP), or a Small Site Low Erosivity Waiver to be submitted to the Water Board's Stormwater Multiple Application and Report Tracking System (SMARTS).
- STORM 02 Stormwater – LID BMP's:** Best Management Practices shall be utilized for stormwater pollution and flow control per the City of Encinitas BMP Design Manual to the satisfaction of the Engineering Department. The Grading Plan/Permit Site Plan shall identify all landscape areas designed for stormwater pollution control and incorporate Low Impact Development (LID) BMP's. A note shall be placed on the plans indicating that the BMP's are to be privately maintained and the facilities not modified or removed without a permit from the City.
- STORM 03 Stormwater – Post Construction BMP Required:** The applicant shall provide permanent post construction stormwater quality treatment BMP facilities to collect and treat all runoff generated by all new and/or removed and replaced impervious surfaces prior to discharge from the subject site. A note shall be placed on the plans indicating that the BMPs are to be privately maintained and the facilities not modified or removed without a permit from the City.
- STORM 05 Stormwater – Priority Development Project:** The project shall be categorized as a Priority Development Project for purposes of stormwater quality and shall be subject to Hydromodification Management Plan requirements. A Stormwater Quality Management Plan (SWQMP) with detailed Drainage Management Area exhibit shall be submitted with the grading permit application. Treatment and flow control facilities shall be detailed on the plans. A note shall be placed on the plans indicating that the BMPs are to be privately maintained and the facilities not modified or removed without a permit from the City. A Stormwater Treatment Facility Maintenance Agreement shall be recorded against the subject property to ensure maintenance of the BMP / HMP facilities in perpetuity.
- STORM 08 Stormwater – Stormwater Maintenance Agreement:** A Stormwater Maintenance Agreement (SWMA) shall be required to ensure the professional maintenance, repair, and replacement of the stormwater quality BMP as necessary into perpetuity. The covenant shall also detail the funding mechanism for the required maintenance.
- STORM 09 Stormwater – BMP Special Inspection:** Special inspection of the BMP facilities by a licensed civil engineer in the State of California is required during construction. Prior to obtaining building occupancy an inspection report shall be submitted along with the Engineer's Certification of Final Grading and Request for Field Clearance for Occupancy form to the Engineering Department verifying the size and depth of the excavation, gravel and engineered soil depth and material, storm drain pipe, overflow, and overall function of the facilities per the approved grading plan. The inspection report shall include any pertinent information including material receipts,

survey data, inspection dates, etc. in order to detail the construction of the drainage facility.

STORM 11 Stormwater – Securities: Stormwater Quality Best Management Practice (BMP) facilities shall be designed and approved by the Engineering Department and secured with a performance bond prior to the issuance of a Grading permit for this project.

STORM 12 Stormwater – Roof Drains: For stormwater pollution control purposes, all runoff from all roof drains shall discharge onto grass and landscape areas prior to collection and discharge onto the street and/or into the public storm drain system unless directly connected to an adequately designed BMP facility to the maximum extent practical. Grass/landscape areas and BMPs designated for stormwater pollution control shall not be modified without a permit from the City. A note shall be placed on the plans indicating that the BMP's are to be privately maintained and the facilities not modified or removed without a permit from the City.

Map Conditions

MAP 01 Map – General: A Final Subdivision Map or Parcel Map shall be prepared by a California licensed land surveyor or civil engineer licensed prior to January 1, 1982. The map or parcel map shall comply with Chapter 1 of the City of Encinitas Engineering Design Manual and the project boundary shall be tied to two City approved first order monuments on the North American Datum NAD 83, 1991.35 epoch.

MAP 02 Map – Phasing: Should the owner decide to record final maps and develop phases in a different numerical sequence than the approved phasing as shown on the Tentative Map, all conditions required of the preceding phases shall be completed to the satisfaction of the Engineering Department.

MAP 03 Map – Single Phase: This project is approved specifically as 1 (single) phase.

MAP 05 Map – Improvement Securities: Public/private grading/improvement plans shall be approved, and adequate surety shall be posted prior to a public hearing for approval of the Map/Parcel Map. Prior to recordation of the Final/Parcel Map, a Performance bond and Labor and Materials bond, or cash deposit, shall be posted for all the required public/private improvements and a covenant recorded against the subject property securing the improvements.

Fire Conditions:

FIRE 01 Address Numbers: STREET NUMBERS: Approved numbers and/or addresses shall be placed on all new and existing buildings and at appropriate additional locations as to be plainly visible and legible from the street or roadway fronting the property from either direction of approach. Said numbers shall contrast with their background and shall meet the following minimum standards as to size: 4" high with a ½" inch stroke width for residential buildings, 8" high with a ½" stroke for commercial and multi-family residential buildings, 12" high with a 1" stroke for industrial buildings. Additional numbers shall be required where deemed

necessary by the Fire Marshal, such as rear access doors, building corners, and entrances to commercial centers.

- FIRE 07 Construction Materials:** Prior to delivery of combustible building construction materials to the project site all of the following conditions shall be completed to the satisfaction of the Fire Department: a) All wet and dry utilities shall be installed and approved by the appropriate inspecting department or agency; b) As a minimum the first lift of asphalt paving shall be in place to provide a permanent all-weather surface for emergency vehicles; and c) Water supply for fire protection (fire hydrants and standpipes) shall be installed, in service and accepted by the Fire Department and applicable water district.
- FIRE 13 Grade:** The gradient for a fire apparatus access roadway shall not exceed 20.0%. Grades exceeding 15.0% (incline or decline) shall not be permitted without mitigation. Minimal mitigation shall be a surface of Portland cement concrete, with a deep broom finish perpendicular to the entire direction of travel. Additional mitigation measures may be required where deemed appropriate. The angle of departure and angle of approach of a fire access roadway shall not exceed seven degrees (12 percent).
- FIRE 14 Response Maps:** Any new development, which necessitates updating of emergency response maps by virtue of new structures, hydrants, roadways, or similar features, shall be required to provide map updates in one of the following formats (AutoCad DWG, DXF, ESRI shapefile, ESRI personal geodatabase, or XML format) and shall be charged a reasonable fee for updating all response maps.
- FIRE 15 Room Capacity:** Room capacity will be tracked to ensure the posted room rating does not exceed maximum capacity as determined by the City of Encinitas Fire Marshal.
- FIRE 18 Automatic Fire Sprinklers -One and Two Family:** One- and two-family dwellings: Structures shall be protected by an automatic fire sprinkler system designed and installed to the satisfaction of the Fire Department. Plans for the automatic fire sprinkler system shall be approved by the Fire Department prior to installation.
- FIRE 20 Road Access -Road Minimum Dimensions:** Fire apparatus access roads identified as Circulation Element Roads and areas within the Very High Fire Hazard Severity Zone shall have an unobstructed improved width of not less than 24 feet and all other roads shall be not less than 20 feet; curb line to curb line. Exceptions: Single-Family residential driveways; serving no more than TWO single-family dwellings, shall have minimum of 16 feet, curb line to curb line, of unobstructed improved width. Access roads shall be designed and maintained to support the imposed loads of not less than 75,000 pounds and shall be provided with an approved paved surface to provide all-weather driving capabilities and provide a vertical clearance of not less than 13 feet 6 inches.
- FIRE 23 Gates:** All gates or other structures or devices, which could obstruct fire access roadways or otherwise hinder emergency operations, are prohibited unless they meet standards approved by the Fire Department. An approved emergency key-

operated switch and/or an approved emergency traffic control-activating strobe light sensor shall be installed per Encinitas Fire Department standards.

FIRE 24 Obstruction of Roadways During Construction: All roadways shall be a minimum of 24 feet in width during construction and maintained free and clear, including the parking of vehicles, in accordance with the California Fire Code and the Encinitas Fire Department.

FIRE 25 Posting or Striping Roadway “No Parking Fire Lane”: Fire Department access roadways, when required, shall be properly identified as per Encinitas Fire Department standards. The means by which fire lanes are designated shall be maintained in a clean and legible condition at all times and be replaced or repaired when necessary to provide adequate visibility.

FIRE 26 Hose Pull: 150-foot Hose pull required. Measured from the furthest portion of structures to fire department access.

UTILITIES:

UT 06 Utility – Sewer Connection: Sanitary sewer is available to serve this property. The applicant shall connect to the sanitary sewer system and shall pay all applicable capacity and permit fees.

UT 13 Utility – Separate Laterals: Separate sewer laterals shall be provided for each unit within the development.

SAN DIEGUITO WATER DISTRICT:

SDWD A 01 Agreement - Map: The developer shall enter into a secured agreement with SDWD prior to map recordation.

SDWD BF 03 Backflow – Landscape: A private backflow preventer shall be installed on the dedicated landscape water meter meeting SDWD standards. The location of the proposed backflow preventer shall be shown on the plans for SDWD approval. Property shall be subject to testing and reporting requirements per SDWD Resolution 2023-05.

SDWD BF 04 Backflow – Residential: A private backflow preventer shall be installed on each water meter meeting SDWD standards. The location of the proposed backflow preventer shall be shown on the plans for SDWD approval. Property shall be subject to testing and reporting requirements per SDWD Resolution 2023-05.

SDWD ED 02 Easement Dedication – Private Street: The developer shall dedicate to SDWD all necessary easements for that portion of the water system which is to be public water. The minimum easement width shall be 15 feet; additional width will be required if access dictates or if more than one utility is proposed for the easement. The whole width of private streets shall be dedicated to SDWD.

SDWD EWS 01 Existing Water Service: The subject property is currently being served by an 5/8-inch & 2-inch water meters. Upon development, each parcel shall be individually metered. The owner may downsize the existing meters and apply

capacity credit toward the installation of new water meters. All water meters that will receive capacity credit shall be paid for and installed at one time. Prior to map recordation, the owner shall provide SDWD with a written statement indicating which lot(s) will receive capacity credits.

SDWD WS 01 Water System: SDWD will require a minimum of 5 feet from outside of edge of pavement or behind curb for SDWD facilities on the proposed private streets.

SDWD WS 02 Water System – Fees/Charges: The developer shall comply with SDWD's fees, charges, rules and regulations.

SDWD WS 04 Water System – Grading/Improvement Plans: The developer shall show all existing and proposed water facilities on improvement and/or grading plans for SDWD Approval (if applicable).

SDWD WS 06 Water System – Landscape Water Meter Requirement: All residential common space/commercial/mixed used properties which propose over 5,000 square feet of landscaping shall install a separate landscape water meter.

SDWD WS 07 Water System – Water Agencies' Standards: The developer shall install the water system according to Water Agencies' (WAS) standards.

SDWD WS 08 Water System – Water Meter Location: Water meters shall be located in front of the parcel they are serving and outside of any existing or proposed travel way. Appurtenances shall not be placed in roadside ditches. Cost of relocation shall be the responsibility of the developer.

SDWD Ad-Hoc 01 All proposed trees shall be located a minimum of 10-feet (from outside edge of tree box to outside edge of water main) from all existing and/or proposed SDWD infrastructure.

SDWD Ad-Hoc 02 On-Site Improvements: The developer shall design and construct approximately 815-LF of on-site 8-inch public waterline in accordance with the District's standard at the developer's expense.

PC-Attachment 3
Proposed Resolution No. PC 2026-07 – Certification of Final Environmental Impact Report

RESOLUTION NO. PC 2026-07

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ENCINITAS, CALIFORNIA CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT, AND ADOPTING THE MITIGATION MONITORING AND REPORTING PROGRAM FOR THE PROPOSED OCEAN BLUFF RESIDENTIAL PROJECT LOCATED AT 501 OCEAN BLUFF WAY

(CASE NO. MUTLI-006443-2023, SUB-006459-2023, DR-006444-2023, CDP-006445-2023, ENV-007304-2024; APN: 258-141-23, 258-141-24, 258-141-25, and 258-141-26)

WHEREAS, a Final Environmental Impact Report (EIR) was prepared for the project and has been completed in compliance with the California Environmental Quality Act (CEQA); and

WHEREAS, a Notice of Preparation (NOP) was prepared and circulated for public and agency comments commencing August 13, 2024 and ending on September 12, 2024; and

WHEREAS, an Environmental Impact Report (EIR) was prepared to analyze the potential environmental effects of the project. In accordance with the California Environmental Quality Act (CEQA), the draft EIR was published for a 45-day review period from May 16, 2025 to June 30, 2025; and

WHEREAS, the Final EIR evaluates the possible environmental impacts of the proposed Density Bonus Tentative Map, Design Review Permit, and Coastal Development Permits for the demolition of all onsite structures; the subdivision of four existing parcels into 27 lots for the construction of 27 new single-family homes (24 market-rate units and three very-low affordable units), as well as the construction of a private road, and associated utilities, drainage, landscaping, stormwater improvements, and right-of-way and pedestrian improvements on Ocean Bluff Way; and

WHEREAS, potential significant impacts of the applicant proposed project can be reduced or avoided to a level below significance by the implementation of feasible mitigation measures identified in the EIR and included in the Mitigation Monitoring and Reporting Program (MMRP); and

WHEREAS, pursuant to CEQA Guidelines Sections 15050 and 15051, the City of Encinitas is the “Lead Agency” for the proposed Project; and

WHEREAS, the Draft EIR and Final EIR were prepared in compliance with CEQA and the CEQA Guidelines; and

WHEREAS, the City has independently reviewed and analyzed the Draft EIR and Final EIR, and these documents reflect the independent judgment of the City; and

WHEREAS, a Mitigation Monitoring and Reporting Program (MMRP) has been prepared for the proposed Project, which the Planning Commission has reviewed, considered and certified. The MMRP is incorporated herein and is considered part of the Record of Proceedings for the proposed Project. The MMRP designates responsibility and anticipated timing for the implementation of mitigation measures. The City will serve as the MMRP Coordinator; and

WHEREAS, in determining whether the proposed Project has a significant impact on the

environment, and in adopting these Findings pursuant to Section 21081 of CEQA, the City has based its decision on substantial evidence and has complied with CEQA Sections 21081.5 and 21082.2 and CEQA Guidelines Section 15091; and

WHEREAS, the impacts of the proposed Project have been analyzed to the extent feasible at the time of certification of the Final EIR; and

WHEREAS, the City reviewed the comments received on the Draft EIR and the responses thereto and has determined that neither the comments received nor the responses to such comments add new information regarding environmental impacts associated with the proposed project that would require recirculation of the Draft EIR pursuant to CEQA Guidelines Section 15088.5. The City has based its actions on full appraisal of all comments received up to the date of adoption of these Findings concerning the environmental impacts identified and analyzed in the Final EIR; and

WHEREAS, the responses to comments on the Draft EIR, which is contained in the attached Final EIR, clarify and amplify the environmental analyses therein; and

WHEREAS, the City has made no decisions that constitute an irretrievable commitment of resources toward the proposed project prior to certification of the Final EIR, nor has the City previously committed to a definite course of action with respect to the proposed Project; and

WHEREAS, the Planning Commission of the City of Encinitas has reviewed the Final EIR.

WHEREAS, the City prepared the Findings of Fact as specified in Exhibit A in accordance with CEQA and the State CEQA Guidelines and the City's CEQA Guidelines;

WHEREAS, the Planning Commission conducted a duly noticed public hearing on November 20, 2025 and heard testimony from staff and the applicant, and after deliberation voted to continue the item to a future meeting in the manner prescribed by law to consider the certification of the EIR, with Findings of Fact and Mitigation Monitoring and Reporting Program; and,

WHEREAS, the Planning Commission continued the duly noticed public hearing on May 7, 2026 in the manner prescribed by law to consider the certification of the EIR, with Findings of Fact and Mitigation Monitoring and Reporting Program;

NOW THEREFORE, BE IT RESOLVED, the Planning Commission received, reviewed, and considered all information and documents in the record.

BE IT FURTHER RESOLVED, the Planning Commission hereby adopts the Findings of Fact, certifies the Final EIR, and adopts the CEQA Findings of Fact and Mitigation Monitoring and Reporting Program, as follows:

- 1. EXHIBIT A — FINDINGS OF FACT**
- 2. EXHIBIT B — MITIGATION MONITORING REPORTING PROGRAM**

PASSED AND ADOPTED this 7th day of May, 2026, by the Planning Commission of the City of Encinitas, State of California.

AYES:

NOES:

ABSTAIN:

ABSENT:

Robert Prendergast, Vice Chair

ATTEST:

Meagan Openshaw
Secretary

NOTE: This action is subject to Chapter 1.04 of the Municipal Code, which specifies time limits for legal challenges.

EXHIBIT "A"

Resolution No. PC-2026-07

Case Nos. MUTLI-006443-2023, SUB-006459-2023, DR-006444-2023,
CDP-006445-2023, ENV-007304-2024

FINDINGS OF FACT

**DRAFT CANDIDATE FINDINGS FOR THE
OCEAN BLUFF RESIDENTIAL PROJECT
SCH No. 2024080571**

INTRODUCTION

A. Findings of Fact

The following Candidate Findings are made for the Ocean Bluff Residential Project (hereinafter referred to as "project"). The environmental impacts of the project are addressed in the Final Environmental Impact Report (FEIR) dated September 2025 (State Clearinghouse No. 2024080571), which is incorporated by reference herein.

The California Environmental Quality Act (CEQA) (Pub. Res. Code §§21000, et seq.) and the State CEQA Guidelines (Guidelines) (14 Cal. Code Regs §§15000, et seq.) require that no public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental impacts of the project unless the public agency makes one or more written findings for each of those significant impacts, accompanied by a brief explanation of the rationale for each finding. The possible findings are:

- Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental impact as identified in the FEIR.
- Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
- Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the FEIR.

CEQA also requires that the findings made pursuant to §15091 be supported by substantial evidence in the record (§15091(b) of the State CEQA Guidelines). Under CEQA, substantial evidence means that enough relevant information has been provided (and reasonable inferences from this information may be made) that a fair argument can be made to support a conclusion, even though other conclusions might also be reached. Substantial evidence may include facts, reasonable assumptions predicted upon facts, and expert opinion supported by facts (§15384 of the State CEQA Guidelines).

CEQA further requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental effects when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable" (§15093(a) of the State CEQA Guidelines). When the lead agency approves a project which will result in the occurrence of significant effects which are identified in

the FEIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its actions based on the FEIR and/or other information in the record.

B. Record of Proceedings

For purposes of CEQA and these Findings, the Record of Proceedings for the project consists of the following documents and other evidence, at a minimum:

- The Notice of Preparation (NOP), dated August 14, 2024, and all other public notices issued by the City of Encinitas (city) in conjunction with the project;
- The Draft EIR (DEIR), dated May 15, 2025;
- The FEIR, dated September 2025;
- All written comments submitted by agencies or members of the public during the public review comment period on the DEIR;
- All responses to written comments submitted by agencies or members of the public during the public review comment period on the DEIR and included in the FEIR;
- The Mitigation Monitoring and Reporting Program (MMRP);
- The reports and technical memoranda included or referenced in the FEIR;
- All documents, studies, EIRs, or other materials incorporated by reference in the DEIR and the FEIR;
- Matters of common knowledge to the city, including but not limited to federal, state and local laws and regulations;
- Any documents expressly cited in these Findings; and
- Any other relevant materials required to be included in the Record of Proceedings pursuant to Public Resources Code §21167.6(e).

C. Custodian and Location of Records

The documents and other materials which constitute the administrative record for the City of Encinitas (city's) actions related to the project are located at the City of Encinitas, Development Services Department, 505 S. Vulcan Avenue, Encinitas, CA 92024. The city Development Services Department is the custodian of the administrative record for the project. Copies of the administrative record documents, which constitute the Record of Proceedings, are and at all relevant times have been and will be available upon request at the offices of the city Development Services Department. The DEIR and FEIR were also placed on the city's website at <https://www.encinitasca.gov/government/public-notice/public-notice/environmental-notice>. This information is provided in compliance with Public Resources Code §21081.6(a)(2) and Guidelines §15091(e).

PROJECT SUMMARY

A. Project Location

The project site is located at 501 Ocean Bluff Way, Encinitas, California on four parcels (Assessor Parcel Numbers 258-141-23, 258-141-24, 258-141-25, and 258-141-26). The city is surrounded by the Cities of Carlsbad to the north and Solana Beach to the south, the County of San Diego to the east and the Pacific Ocean to the west. The property is located in central Encinitas south of Encinitas Boulevard approximately 0.6 miles east of Interstate 5 (I-5) and 0.5

miles west of El Camino Real. Locally, the project site is situated along the northern frontage of Ocean Bluff Way between Camino De Orchidia and Camino El Dorado. Ocean Bluff Way provides direct access to the project site; no access is available from Encinitas Boulevard.

B. Project Objectives

The objectives of the project are as follows:

1. Assist the city in expanding its regional housing stock of single-family dwelling units in accordance with the goals established in the General Plan Housing Element.
2. Provide new affordable homeownership opportunities for very low-income households that will assist the city in meeting its state-mandated affordable housing requirements.
3. Develop a previously developed, vacant, infill property with residential housing that complies with the Encinitas General Plan, applicable zoning and State Density Bonus Laws.
4. Locate new development in a portion of the city where there is existing capacity to accommodate the required infrastructure and public services needs of the project.
5. Place residential dwelling units within a short walking or driving distance of local schools.
6. Use a comprehensive style of architecture and design elements that ensures high-quality site aesthetics and provides variety in both building layouts and types.
7. Limit encroachment into environmentally sensitive habitat and steep slopes by integrating retaining walls, using sensitive grading techniques and taking access from Ocean Bluff Way.
8. Protect the remaining environmentally sensitive habitat and steep slopes in perpetuity through the recordation of an open space easement.
9. Create an economically viable project featuring three “very low income” affordable housing units that can be implemented within the current and projected economic conditions.

C. Project Description

The project consists of the subdivision of an approximately 7.2-acre property composed of four legal lots into 27 residential housing lots to accommodate the grading and construction of 27 single-family residential dwelling units (24 market-rate units and 3 affordable housing units), as well as the construction of a private drive, landscaping, and associated utility, drainage, and stormwater improvements. Development would occur on approximately 4.6 acres of the 7.2-acre project site. Access onto the site would be via a new private looped drive extended from two locations along Ocean Bluff Way between Camino De Orchidia and Camino El Dorado. The project includes construction of frontage improvements to create a parkway along Ocean Bluff Way, including curb, gutter, sidewalk, pedestrian ramps, and landscaping. The proposed frontage improvements would allow for connectivity with an existing pedestrian ramp at the east end of Ocean Bluff Way. The project would implement State Density Bonus Law (California Government Code Section 65915 et seq.) by proposing the construction of 27 single-family dwelling units (24 market-rate units and 3 affordable units). The project requests waivers as permitted under State Density Bonus Law, which allow projects to waive certain development standards that would physically preclude the construction of the project at the proposed density. Proposed waivers include waivers to the following zoning standards: net lot area; lot width; lot

depth; front, street side, side yard, and rear yard setbacks; lot coverage; maximum building height at building perimeter; maximum building height at roof ridge; properties with multiple zoning designations; intersection centerline spacing of 200 feet pursuant to EMC Section 6.1(c) public road standards; internal street radius (knuckle) requirement pursuant to County Public Works Standard Drawing DS-15; and Affordable Housing Standards. The project site is located within the Coastal Zone but outside the appeal zone. City approval of a tentative map, design review permit, and coastal development permit and certification of the EIR (Case Nos. MULTI-006443-2023, SUB-006459-2023, DR-006444-2023, CDP-006445-2023 and ENV-007304-2024) will be required to allow the project to proceed.

ENVIRONMENTAL REVIEW PROCESS AND PUBLIC PARTICIPATION

The lead agency approving the project and conducting environmental review under CEQA and the Guidelines shall be the city. The city as lead agency shall be primarily responsible for carrying out the project.

In compliance with §15082 of the Guidelines, the locally distributed NOP was filed with the San Diego County Clerk on July 12, 2024, and provided on the city's website. The CEQA-required 30-day NOP review period for comments on the appropriate scope of the EIR began on August 14, 2024, and ended on September 12, 2024, and identified that the city intended to prepare an EIR for the proposed project. The city received comments on the NOP which were taken into consideration during the preparation of the DEIR (refer to Appendix A of the FEIR).

The city published a DEIR addressing the project on May 15, 2025, in compliance with CEQA. Pursuant to Guidelines §15085 and upon publication of the DEIR, the city made the DEIR available for review and comment by the public for a period of 45 days. The city also posted a Notice of Availability of the DEIR pursuant to Guidelines §15087. During the public review period, the city received twenty comment letters on the environmental document. The city included responses in writing to all DEIR comments in the FEIR.

Information provided in the response to comments (RTC) clarifies or amplifies information included in the DEIR; the RTC did not require changes to the information contained in the DEIR. No significant new information was added that would require recirculation of the document, per Guidelines §15088.5. The FEIR for the project was published on *month day*, 2025. The FEIR has been prepared in accordance with CEQA and the State CEQA Guidelines (§15132).

SUMMARY OF IMPACTS

Impacts associated with specific issue areas resulting from approval of the project are discussed below.

The FEIR concludes that the project would have **no impacts** with respect to the following issue areas:

- Agriculture and Forestry Resources
- Mineral Resources

The FEIR concludes the project would have **less than significant impacts** and require no mitigation measures with respect to the following issue areas:

- Aesthetics
- Energy
- Geology and Soils
- Greenhouse Gas Emissions
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use and Planning
- Population and Housing
- Public Services
- Recreation
- Transportation
- Utilities and Service Systems
- Wildfire

The FEIR concludes the project would have potentially **significant impacts which would be mitigated to below a level of significance** with respect to the following issue areas:

- Air Quality
- Biological Resources
- Cultural Resources
- Noise and Vibration
- Tribal Cultural Resources

The FEIR concludes that there would be no **significant unavoidable impacts** associated with the project.

FINDINGS REGARDING SIGNIFICANT IMPACTS

The Findings incorporate the facts and discussions in the FEIR for the project as fully set forth therein.

A. Findings Regarding Impacts That Will be Mitigated to Below a Level of Significance (CEQA §21081(a)(1) and Guidelines §15091(a)(1))

The city, having independently reviewed and considered the information contained in the FEIR and the public record for the project, finds, pursuant to Public Resources Code §21081(a)(1) and Guidelines §15091(a)(1), that changes or alterations have been required in, or incorporated into, the project which would mitigate, significantly lessen, or avoid the significant effects on the environment related to the following issues:

AIR QUALITY

Impact

The project would result in the exposure of sensitive receptors to toxic air contaminants (TACs) from construction diesel exhaust emissions in excess of San Diego Air Pollution Control

District's threshold, resulting in a potentially significant impact. TAC exposure from construction diesel exhaust emissions would result in a cancer risk of 20.12 in one million, which exceeds the SDAPCD recommended carcinogenic (cancer) risk threshold of 10 in one million and Chronic Hazard Index less than one.

Finding

Implementation of Mitigation Measure AQ-1 would reduce impacts to sensitive receptors to less than significant.

Facts in Support of Finding

With implementation of Mitigation Measure AQ-1, TAC exposure from construction diesel exhaust emissions would be reduced to 5.01 in one million and would not result in a cancer risk above the 10 in one million threshold and would result in a Chronic Hazard Index less than one.

Mitigation Measures

The potentially significant impact to sensitive receptors would be mitigated to below a level of significance with implementation of Mitigation Measure AQ-1, as identified in Section 4.3.6.3 of the FEIR. Mitigation Measure AQ-1 requires the use of California Air Resources Board (CARB)-certified Tier 4 Interim equipment for all diesel-powered equipment pieces that are 25 horsepower or greater through all phases of construction or an equivalent method for achieving project-generated construction emissions that fall below the numeric cancer risk standards established by the San Diego Air Pollution Control District.

Reference

See FEIR Section 4.3 for a complete discussion of the air quality impacts associated with the project.

BIOLOGICAL RESOURCES

Direct Impacts to Candidate, Sensitive, or Special-Status Species

Impact

The project would result in potentially significant direct impacts to special-status wildlife species, including Cooper's hawk, coastal California gnatcatcher, Crotch's bumble bee, Southern California rufous-crowned sparrow, Bell's sage sparrow, orange-throated whiptail, and red diamondback rattlesnake, and active bird nests protected by California Fish and Game Code.

Finding

Implementation of Mitigation Measures BIO-1 through BIO-9 would reduce direct impacts to special-status wildlife species and active bird nests to less than significant.

Facts in Support of Finding

Implementation of the project would result in potentially significant direct impacts to Cooper's hawk and Coastal California gnatcatcher, both of which are identified as occurring within the project site and 100-foot buffer area. Additionally, while potential for Crotch's bumble bee to

occur within the study area is low due to a lack of suitable burrows, soil compaction, and an absence of records of the species in the vicinity, if Crotch's bumble bees are using burrows on the project site for nesting, potentially significant direct impacts could result from ground-disturbing activities, which could lead to death or injury of adults, eggs, and larva, burrow collapse, nest abandonment, and reduced nest success. The project would result in potentially significant impacts to other special-status wildlife species identified as having moderate potential to occur within the project site and 100-foot buffer, including Southern California rufous-crowned sparrow, Bell's sage sparrow, orange-throated whiptail, and red diamondback rattlesnake. Direct impacts have the potential to result from loss of habitat and/or potential mortality during construction; however, the project construction footprint does not include areas containing suitable habitat – construction would only occur within disturbed and urban/developed land. As such, direct impacts to special-status wildlife associated with the project would be limited to impacts associated with mortality during construction.

Mitigation Measures

The potentially significant direct impact to special-status wildlife species and active bird nests would be mitigated to below a level of significance with implementation of Mitigation Measures BIO-1 through BIO-9, as identified in Section 4.4.6.1 of the FEIR. Mitigation Measures BIO-1 through BIO-5, which include requirements related to temporary construction fencing, environmental awareness training for construction workers, work hour limits, construction best management practices, and biological monitoring during construction would be implemented to minimize construction impacts to special-status species. The implementation of Mitigation Measures BIO-1 through BIO-5 would minimize impacts by reducing interaction between the construction activities and biological resources (i.e., fencing placement, and restrictions on construction work hours) and provide measures to implement in the event of an interaction (i.e., environmental awareness training and biological monitoring). Mitigation Measure BIO-6 requires vegetation removal from the project impact footprint and project grading to occur outside of the nesting bird breeding season to the maximum extent practicable. If grading and vegetation removal occur during the bird breeding season (typically February 1 through September 15), Mitigation Measure BIO-7 requires pre-construction surveys for nesting birds and Mitigation Measure BIO-9 requires coastal California gnatcatcher focused surveys, nest avoidance, and minimization measures. Mitigation Measure BIO-8 contains requirements related to Crotch's bumble bee pre-construction surveys if ground-disturbing construction activities occurring during the Colony Active Period (April 1 through August 31 for Crotch's bumble bee). If ground-disturbing activities occur outside the period, no further mitigation would be required.

Reference

See FEIR Section 4.4 for a complete discussion of the biological resource impacts associated with the project.

Indirect Impacts to Candidate, Sensitive, or Special-Status Species

Impact

The project would result in potentially significant indirect impacts to special-status plant species, special-status wildlife species, and active bird nests.

Finding

Implementation of Mitigation Measures BIO-1 through BIO-5 would reduce indirect impacts to special-status plant species to a less-than-significant level. Implementation of Mitigation Measures BIO-6, BIO-7, and BIO-9 would reduce indirect impacts to special-status wildlife species to a less-than-significant level. Implementation of Mitigation Measures BIO-7 and BIO-9 would be implemented to reduce indirect impacts to nesting birds including Cooper's hawk and coastal California gnatcatcher to a less-than-significant level.

Facts in Support of Finding

Three native vegetation communities were mapped adjacent or near the proposed construction footprint: Diegan coastal sage scrub, coastal sage-chaparral transition, and southern maritime chaparral. Dust, erosion, invasive plant species, and increased human presence would have the potential to result in indirect impacts to these native vegetation communities.

Most of the indirect impacts identified for special-status plants can also affect special-status wildlife. Wildlife may also be indirectly affected by short-term construction-related noise, which can disrupt normal activities and subject wildlife to higher predation risks. Adverse edge effects can cause degradation of habitat quality through the invasion of pest species. Breeding birds can be significantly affected by short-term construction-related noise, which can result in the disruption of foraging, nesting, and reproductive activities. The project site and 100-foot buffer area support suitable vegetation for bird nesting, including trees and shrubs associated with mixed chaparral and coastal sage scrub vegetation. Indirect impacts to special-status wildlife species from construction-related noise would be a potentially significant impact.

Mitigation Measures

The potentially significant indirect impacts to special-status plant species, special-status wildlife species, and active bird nests would be mitigated to below a level of significance with implementation of Mitigation Measures BIO-1 through BIO-7 and BIO-9, as identified in Section 4.4.6.1 of the FEIR. Mitigation Measures BIO-1 through BIO-5, which include requirements related to temporary construction fencing, environmental awareness training for construction workers, work hour limits, construction best management practices, and biological monitoring during construction would be implemented to minimize construction impacts to special-status species. The implementation of Mitigation Measures BIO-1 through BIO-5 would minimize impacts by reducing interaction between the construction activities and sensitive biological resources (i.e., fencing placement, and restrictions on construction work hours) and provide measures to implement in the event of an interaction (i.e., environmental awareness training and biological monitoring). Mitigation Measure BIO-6 requires vegetation removal from the project impact footprint and project grading to occur outside of the nesting bird breeding season, to the maximum extent practicable. If grading and vegetation removal occur during the bird

breeding season (typically February 1 through September 15), Mitigation Measure BIO-7 requires pre-construction surveys for nesting birds and Mitigation Measure BIO-9 requires coastal California gnatcatcher focused surveys, nest avoidance, and minimization measures.

Reference

See FEIR Section 4.4 for a complete discussion of the biological resource impacts associated with the project.

Wildlife Corridors

Impact

The project would result in a potentially significant impact to birds utilizing the on-site and adjacent vegetation for refuge, cover, and foraging.

Finding

Implementation of Mitigation Measure BIO-6 would avoid direct and indirect impacts to nesting birds caused by construction activities potentially impacting the movement of birds, reducing impacts to a less-than-significant level. Implementation of Mitigation Measures BIO-7 and BIO-9 would confirm the absence of active nests belonging to migratory birds and raptors, which are protected under the Migratory Bird Treaty Act (MBTA) and California Fish and Game Code, reducing the impact to a less-than-significant level.

Facts in Support of Finding

The project site is not within an existing recognized habitat corridor and is largely surrounded by urban development. However, portions of the project site outside of the disturbance footprint and within the 100-foot buffer contain patches of southern maritime chaparral and coastal sage scrub that have potential to provide refuge, cover, and foraging opportunities for mobile wildlife species that may be moving thorough the area.

Mitigation Measures

The potentially significant impacts to birds utilizing the on-site and adjacent vegetation for refuge, cover, and foraging would be mitigated to below a level of significance with implementation of Mitigation Measures BIO-6, BIO-7, and BIO-9, as identified in Section 4.4.6.4 of the FEIR. Mitigation Measure BIO-6 requires vegetation removal from the project impact footprint and project grading to occur outside of the nesting bird breeding season to the maximum extent practicable. If grading and vegetation removal occur during the bird breeding season (typically February 1 through September 15), Mitigation Measure BIO-7 requires pre-construction surveys for nesting birds and Mitigation Measure BIO-9 requires coastal California gnatcatcher focused surveys, nest avoidance, and minimization measures.

Reference

See FEIR Section 4.4 for a complete discussion of the biological resource impacts associated with the project.

CULTURAL RESOURCES

Archaeological Resources

Impact

The project may encounter unknown buried archaeological resources through the disturbance of previously undisturbed native sediments. If unknown buried resources are discovered during project construction, impacts to these resources would be potentially significant.

Finding

Implementation of Mitigation Measure CR-1 would reduce impacts to archaeological resources to a less-than-significant level.

Facts in Support of Finding

The majority of the project site where development would occur has been disturbed by previous agricultural activities. Based on the cultural resources survey conducted for the project, the potential for subsurface archaeological resources is low to moderate, due to the presence of potting soil/peat and sandstone throughout the project area and the previous agricultural use of the site; however, the previous depth of disturbance is unknown. Thus, there is potential for project grading and construction to encounter unknown buried archaeological resources.

Mitigation Measures

The potentially significant impacts to archaeological resources would be mitigated to below a level of significance with implementation of Mitigation Measure CR-1, as identified in Section 4.5.6.2 of the FEIR. Mitigation Measure CR-1 requires monitoring of initial ground-disturbing activities by a qualified archaeologist and Native American monitor. If resources or undisturbed sedimentary deposits having the potential to contain archaeological resources are identified during ground disturbance, monitoring may need to be increased, as determined by the archaeologist, the city, and in consultation with the Tribe that is monitoring.

Reference

See FEIR Section 4.5 for a complete discussion of the cultural resource impacts associated with the project.

Human Remains

Impact

If unknown human remains are discovered during project construction, the disturbance of human remains, including those interred outside of formal cemeteries, would result in a significant impact.

Finding

Implementation of Mitigation Measure CR-2 would reduce impacts to a less-than-significant level.

Facts in Support of Finding

The project would not disturb any known human remains; however, grading and construction of the project have the potential to extend into previously undisturbed native sediment. As such, there is a possibility of encountering unknown human remains.

Mitigation Measures

The potentially significant impacts associated with the discovery of human remains would be mitigated to below a level of significance with implementation of Mitigation Measure CR-2, as identified in Section 4.5.6.3 of the FEIR. Mitigation Measure CR-2 requires compliance with California Health and Safety Code Section 7050.5, Guidelines Section 15064.5(e)(1), and Public Resources Code Section 5097.98. These regulations identify procedures to be implemented in the event of a discovery of human remains. Work would be halted, and the procedures identified would be followed.

Reference

See FEIR Section 4.5 for a complete discussion of the cultural resource impacts associated with the project.

Paleontological Resources

Impact

The project would require excavation of more than 2,000 cubic yards (CY) of a geologic formation with moderate paleontological resource potential, resulting in a potentially significant impact to paleontological resources.

Finding

Implementation of Mitigation Measure CR-3 would reduce significant paleontological impacts to a less-than-significant level.

Facts in Support of Finding

The project site is underlain by Torrey Sandstone and Very Old Paralic Deposits, both of which have moderate paleontological sensitivity. Construction of the project would require cut in excess of 2,000 CY in formations having a moderate paleontological sensitivity. As such, project construction has the potential to result in significant impacts to unknown paleontological resources that may be present on the site and uncovered, damaged, or destroyed by construction activities.

Mitigation Measures

The potentially significant impacts to paleontological resources would be mitigated to below a level of significance with implementation of Mitigation Measure CR-3, as identified in Section 4.5.6.4 of the FEIR. Mitigation Measure CR-3 requires the presence of a qualified paleontological monitor during grading activities for excavation of a geologic formation with moderate paleontological resource potential. The monitor would have the authority to stop

and/or divert grading, trenching, or excavating if a significant paleontological resource is encountered, and an excavation plan would be implemented.

Reference

See FEIR Section 4.5 for a complete discussion of the paleontological resource impacts associated with the project.

NOISE AND VIBRATION

Impact

The project would result in potentially significant noise impacts during construction activities.

Finding

Implementation of Mitigation Measure NOI-1 would reduce significant impacts to a less-than-significant level.

Facts in Support of Finding

Proposed construction activities associated with the project would result in noise levels exceeding the city's threshold of 75 dBA. The highest construction noise level was modeled at 88 dBA, which exceeds the city's threshold by 13 dBA.

Mitigation Measures

The potentially significant impacts of construction noise would be mitigated to below a level of significance with implementation of Mitigation Measure NOI-1, as identified in Section 4.7.6.1 of the FEIR. Mitigation Measure NOI-1, which requires implementation of construction noise control measures, would reduce construction noise to levels ranging from 66 dBA (for architectural coatings) to 75 dBA (for demolition activities) at construction site boundaries and to levels ranging from 53 dBA (for architectural coatings) to 68 dBA (for grading activities) for construction activities at the center of the site.

Reference

See FEIR Section 4.7 for a complete discussion of the noise impacts associated with the project.

TRIBAL CULTURAL RESOURCES

Impact

The project has the potential to encounter unknown buried tribal cultural resources through the disturbance of previously undisturbed sediments. If unknown buried tribal cultural resources are discovered during project construction, impacts to these resources would be potentially significant.

Finding

Implementation of Mitigation Measures CR-1 and CR-2 would reduce impacts to unknown tribal cultural resources to a less-than-significant level.

Facts in Support of Finding

The project area was surveyed by an archaeological and Native American monitor, and no cultural material was observed during the survey. The Native American Heritage Commission Sacred Land Files search did not indicate the presence of any Native American cultural resources in the immediate vicinity of the project site. However, the Rincon Band of Luiseño Indians indicated during AB 52 consultation that previous ground disturbing activities associated with past uses of the project site were not monitored, leaving a gap in the archaeological record and that the proposed area is culturally sensitive. Although the project site has been disturbed from previous agricultural uses, there is potential for project grading to occur within undisturbed on-site areas and potential to encounter unknown buried tribal cultural resources.

Mitigation Measures

The potentially significant impacts to tribal cultural resources would be mitigated to below a level of significance with implementation of Mitigation Measures CR-1 and CR-2, as identified in Section 4.9.6 of the FEIR. Mitigation Measure CR-1 requires monitoring of initial ground-disturbing activities by a qualified archaeologist and Native American monitor and provides steps to follow if a discovery occurs during monitoring. Mitigation Measure CR-2 requires compliance with Health and Safety Code §7050.5, Guidelines §15064.5(e)(1), and Public Resources Code Section 5097.98, which identify procedures to be implemented in the event of a discovery of human remains. Work would be halted, and the procedures identified would be followed.

Reference

See FEIR Section 4.9 for a complete discussion of the tribal cultural resource impacts associated with the project.

B. Findings Regarding Impacts That are Found to be Significant and Unavoidable

The city hereby finds that the project would not result in significant and unavoidable environmental impacts with the incorporation of mitigation. These findings are based on the discussion of impacts in Sections 4.2 through 4.9 of the EIR.

C. Findings Regarding Alternatives (CEQA §21081(a)(3) and Guidelines §15091(a)(3))

In accordance with §15126.6(a) of the Guidelines, an EIR must contain a discussion of "a range of reasonable alternatives to a project, or the location of a project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives." Guidelines §15126.6(f) further states that "the range of alternatives in an EIR is governed by the 'rule of reason' that requires the EIR to set forth only those alternatives necessary to permit a reasoned choice." Thus, the following discussion focuses on alternatives to the project that are capable of eliminating significant environmental impacts or substantially reducing them as compared to the project, even if the alternative would impede the attainment of some project objectives or would be more costly. In accordance with §15126.6(f)(1) of the Guidelines, among

the factors that may be taken into account when addressing the feasibility of alternatives are: (1) site suitability; (2) economic viability; (3) availability of infrastructure; (4) general plan consistency; (5) other plans or regulatory limitations; (6) jurisdictional boundaries; and (7) whether the proponent can reasonably acquire, control, or otherwise have access to the alternative site.

As required in Guidelines §15126.6(a), in developing the alternatives to be addressed in the EIR, consideration was given to an alternative's ability to meet most of the basic objectives of the project but would substantially lessen or avoid any of the significant effects of the project. Because the project will cause potentially significant effects unless mitigated, the city must consider the feasibility of any environmentally superior alternatives to the project, evaluating whether these alternatives could avoid or substantially lessen the potentially significant environmental effects while achieving most of the objectives of the project.

The city, having reviewed and considered the information contained in the FEIR and the Record of Proceedings, and pursuant to Public Resource Code §21081(a)(3) and Guidelines §15091(a)(3), makes the following findings with respect to the alternatives identified in the FEIR.

Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the alternatives identified in the FEIR as described below.

"Feasible" is defined in §15364 of the Guidelines to mean "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors." Public Resources Code §21081 and Guidelines §15019(a)(3) also provide that "other considerations" may form the basis for a finding of infeasibility.

Alternatives under Consideration

The FEIR evaluated the following alternatives in detail:

- No Project Alternative;
- Reduced Footprint Alternative; and
- Reduced Density Alternative.

These project alternatives are summarized below, along with the findings relevant to each alternative.

1. No Project Alternative

Pursuant to Guidelines §15126.6(e), consideration of a no project alternative is required. The analysis of a no project alternative must discuss the existing conditions at the time the NOP was initially published (i.e., August 14, 2024), as well as "what would be reasonably expected to occur in the foreseeable future if the project were not approved, based on current plans and consistent with available infrastructure and community services" [Guidelines § 15126.6(e)(2)]. The requirements also specify that, "If disapproval of the project under consideration would result in predictable actions by others, such as the proposal of some other project, this 'no project' consequence should be discussed" [Guidelines § 15126.6(e)(3)(B)]. Under the No Project/No Development

Alternative for the FEIR, construction of the project would not occur. The site would remain in its existing condition, and no changes to the site would occur under the No Project Alternative.

Potentially Significant Impacts

There would be no significant impacts associated with the No Project Alternative as described in Section 5.4.1 of the FEIR. The project site would remain vacant and undeveloped under the No Project Alternative. All impacts associated with the project would be avoided, and no impacts would occur. There would no potentially significant impacts to air quality (exposure of sensitive receptors to substantial diesel-particulate matter concentrations during construction), biological resources (direct impacts to special-status wildlife species and active bird nests, indirect impacts to special status plant and wildlife species, and wildlife corridors), cultural resources (unknown archaeological resources, human remains, and paleontological resources), noise and vibration (short-term construction noise), and tribal cultural resources (unknown tribal cultural resources).

Finding

The No Project Alternative is the environmentally superior alternative, as no impacts would occur under this alternative. Pursuant to CEQA Guidelines §15126(e)(2), “if the environmentally superior alternative is the ‘No Project’ alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives.” The No Project Alternative is rejected because specific economic, social, or other considerations including matters of public policy make this alternative infeasible.

Facts in Support of Finding

The No Project Alternative would eliminate significant and mitigatable impacts associated with air quality, biological resources, cultural resources, noise and vibration, and tribal cultural resources, however, it would not meet any of the project objectives listed in Section 3.2 of the FEIR. The No Project Alternative would not expand regional housing stock of single-family dwelling units in accordance with the housing goals established in the General Plan (Housing Element Goal 1; City of Encinitas 2021; Land Use Element Policy 1.12; City of Encinitas 2024). This alternative would not provide new affordable homeownership opportunities for very low-income households that would assist the city in meeting its state-mandated affordable housing requirements (Housing Element Goals 1 and 4, Policy 1.4; City of Encinitas 2021). Additionally, project objectives related to developing a previously developed infill property with residential housing, locating development in a portion of the city where there is existing infrastructure and public services capacity, and placing residential dwelling units within a short distance of local schools would not occur under the No Project Alternative. Additional objectives of the project related to site design and character, limiting encroachment into and protecting the remaining environmentally sensitive habitat and

steep slopes on the project site, and creating an economically viable project featuring three very low-income affordable housing units would not be met under the No Project Alternative.

Rationale

Although the No Project Alternative would eliminate significant and mitigable impacts to air quality, biological resources, cultural resources, noise and vibration, and tribal cultural resources associated with the project, it does not meet the project objectives outlined in Section 3.2 of the FEIR.

Reference

See FEIR Section 5.4.1 for a complete analysis of the No Project Alternative.

2. Reduced Footprint Alternative

The Reduced Footprint Alternative would develop the project site with 27 multi-family townhome units configured in a series of two-story multi-family housing structures. Development of multi-family housing on a site zoned for single-family residential housing would require approval of a major conditional use permit, consistent with the requirements of Encinitas Municipal Code (EMC) Section 30.16.020B. Under this alternative, the project would satisfy its inclusionary housing requirements on-site by constructing 15 percent of the units as very-low-income qualifying units allowing for a density bonus of 50 percent as allowed by the EMC. A multi-family residential housing type would condense the size and spacing between units, and individual yards would be replaced with common area space. The housing units would be stacked into two-story structures. This alternative would develop approximately 2 acres of the project site with the proposed multi-family residential development. The project footprint would be reduced by approximately 2.5 acres compared to the 4.6-acre project footprint. This alternative housing type and configuration would widen the proposed 10 to 20-foot buffer between the residential development and on-site sensitive habitat, steep slopes and blufftop to 240 feet. The increased open space area within the expanded buffer zone would capture previously developed habitat and steep slopes but not additional sensitive habitats. Design waivers allowed under State Density Bonus Law would be required to construct the 27 multi-family housing units associated with the Reduced Footprint Alternative.

Potentially Significant Impacts

The Reduced Footprint Alternative would result in potentially significant impacts associated with air quality (exposure of sensitive receptors to substantial diesel-particulate matter concentrations during construction), biological resources (direct impacts to special-status wildlife species and active bird nests, indirect impacts to special status plant and wildlife species, and wildlife corridors), cultural resources

(unknown archaeological resources, human remains, and paleontological resources), noise and vibration (short-term construction noise), and tribal cultural resources (unknown tribal cultural resources). These potentially significant impacts would require mitigation to reduce impacts to a less-than-significant level. Air quality and noise and vibration impacts of this alternative would be similar to those identified for the project; thus, this alternative would not substantially lessen the significant impacts of the proposed project. Biological, cultural, and tribal cultural resource impacts would be reduced as compared to the project due to the smaller grading footprint, but would still be potentially significant, requiring the same mitigation as the proposed project to reduce impacts to a less-than-significant level. Impacts associated with aesthetics, land use and planning, and transportation would be less than significant under the Reduced Footprint Alternative. The less-than-significant aesthetics and land use and planning impacts would be similar to those identified for the project. The less-than-significant transportation impacts would be reduced under this alternative as compared to the project.

This alternative would reduce significant and mitigable impacts to biological resources due to an increased setback from sensitive vegetation/habitat and steep slopes and to cultural resources and tribal cultural resources by disturbing a smaller area. The Reduced Footprint Alternative would reduce some of the less-than-significant impacts of the project, including air quality and traffic. Construction air quality impacts would be slightly reduced due to a decreased construction footprint and operational air quality, and traffic impacts would be slightly reduced due to a reduction in operational traffic volumes attributable to multi-family dwelling units. Thus, this alternative is identified as the environmentally superior alternative.

Finding

The city finds that the Reduced Footprint Alternative is the environmentally superior alternative; however, there are no significant and unmitigable impacts associated with the project, and no alternatives would reduce significant and unmitigable impacts. The Reduced Footprint Alternative is rejected because specific economic, social, or other considerations including matters of public policy make this alternative infeasible.

Facts in Support of Finding

This alternative would result in reduced impacts associated with biological, cultural, and tribal cultural resources as compared to the project; however, it would still result in potentially significant impacts, requiring mitigation. Potentially significant impacts to air quality and noise and vibration would occur under this alternative and would be similar to those identified for the project. Thus, this alternative would not substantially lessen or eliminate any of the significant impacts identified for the project. This alternative would achieve most of the project objectives, including objectives related to assisting the city in expanding its regional housing stock; new affordable home ownership for very low-income households that will assist the city in meeting its state-mandated affordable

housing requirements opportunities; develop a previously developed, vacant, infill property with residential housing that complies with the General Plan, applicable zoning and State Density Bonus Law; and would locate new development in a portion of the city where there is existing capacity to accommodate the required infrastructure and public services and within walking distance of schools. With the reduced project footprint, this alternative would attain the objective of limiting encroachment into environmentally sensitive habitats and steep slopes without the need for retaining walls. In addition, this alternative would protect the remaining environmentally sensitive habitat and steep slopes in perpetuity through the recordation of an open space easement. Finally, this alternative would create an economically viable project featuring three “very low income” affordable housing units that can be implemented within the current and projected economic conditions. However, the market rate and affordable units would be townhomes and not single-family homes. Because of the townhome housing format, this alternative would not provide a variety in both building layouts and types, and would not achieve the project objective related to expanding regional housing stock of single-family dwelling units using a variety of building layouts and types, consistent with the housing goals in the General Plan (Housing Element Goal 1; City of Encinitas 2021; Land Use Element Policy 1.12; City of Encinitas 2024).

Rationale

The Reduced Footprint Alternative would not reduce the significant, but mitigable impacts of the project to a less-than-significant impact without mitigation and would fail to meet one of the project objectives.

Reference

See FEIR Section 5.4.2 for a complete analysis of the Reduced Footprint Alternative.

3. Reduced Density Alternative

The Reduced Density Alternative would result in the development of the project site with 23 market-rate and 2 affordable single-family residential units. Similar to the proposed project, this development would occur on approximately 4.6 acres of the 7.2-acre project site. Under this scenario, the project would satisfy its inclusionary housing obligation by constructing 15 percent affordable housing, as compared to 17 percent affordable housing units under the proposed project. In addition, the project would use the same two affordable units to comply with State Density Bonus Law. A density bonus of 50 percent would be allowed by the EMC for a total allowance of 25 residential units. To reduce the unit count, the site plan for this alternative would remove two units from the interior of the project. The project design would require similar design waivers as the proposed project in order to construct the project.

Potentially Significant Impacts

The Reduced Density Alternative would result in potentially significant impacts associated with air quality (exposure of sensitive receptors to substantial diesel-particulate matter concentrations during construction), biological resources (direct impacts to special-status wildlife species and active bird nests, indirect impacts to special status plant and wildlife species, and wildlife corridors), cultural resources (unknown archaeological resources, human remains, and paleontological resources), noise and vibration (short-term construction noise), and tribal cultural resources (unknown tribal cultural resources). These potentially significant impacts would require mitigation to reduce impacts to a less-than-significant level. Impacts associated with aesthetics, land use and planning, and transportation would be less than significant under the Reduced Density Alternative. The less-than-significant aesthetics and land use and planning impacts would be similar to those identified for the project. This alternative would result in minor reductions in short-term construction-related air quality emissions and transportation impacts due to the slight reduction in dwelling units associated with this alternative; however, a significant but mitigable air quality impact would remain and impacts to transportation would continue to be less than significant, but reduced as compared to the proposed project. Significant, but mitigable impacts associated with the Reduced Density Alternative are similar to those identified for the project. As such, this alternative is not environmentally superior to the project.

Finding

The city finds that the Reduced Density Alternative is not environmentally superior to the project. The Reduced Density Alternative is rejected because specific economic, social, or other considerations including matters of public policy make this alternative infeasible.

Facts in Support of Finding

The Reduced Density Alternative would not eliminate any of the significant impacts identified for the project. This alternative would achieve most of the project objectives, including objectives related to assisting the city in expanding its regional housing stock of single-family residences; new affordable home ownership for very low-income households that will assist the city in meeting its state-mandated affordable housing requirements opportunities; develop a previously developed, vacant, infill property with residential housing that complies with the General Plan, applicable zoning and State Density Bonus Law; would locate new development in a portion of the city where there is existing capacity to accommodate the required infrastructure and public services and within walking distance of schools and would provide a variety in both building layouts and types similar to the proposed project. This alternative would attain the objective of limiting encroachment into environmentally sensitive habitats and steep slopes using retaining walls. In addition, this alternative would protect the remaining environmentally sensitive habitat and steep slopes in perpetuity through the recordation of an open space easement. Finally, this alternative would create an economically viable project

featuring two “very low income” affordable housing units that can be implemented within the current and projected economic conditions. Because one less affordable unit would be constructed under this alternative, this alternative would not achieve the site’s potential for affordable housing units, thus reducing the city’s ability to achieve its housing policy goals outlined in the General Plan (Housing Element Goals 1 and 4, Policy 1.4; City of Encinitas 2021).

Rationale

The Reduced Density Alternative would not reduce the significant, but mitigable impacts of the project to a less-than-significant impact without mitigation and would fail to achieve the site’s potential for affordable housing units.

Reference

See FEIR Section 5.4.3 for a complete analysis of the Reduced Density Alternative.

FINDINGS REGARDING OTHER CEQA CONSIDERATIONS

A. Growth Inducement

Guidelines §15126.2(e) of the CEQA Guidelines mandates that the growth-inducing impact of a project be discussed. This discussion is presented in Section 6.2 of the FEIR. The city finds that the project would not result in growth-inducing impacts.

The project is an infill project that would construct 27 single-family residential units in an urbanized area. The project site is located within the Residential 2.01-3.00 dwelling units per acre (du/ac) (R3) and Rural Residential 1.01 - 2.00 du/ac (RR2) General Plan Land Use Designations and the Residential 3 (R-3) and Rural Residential 2 (RR-2) zones. These land use and zoning designations are intended to support single-family residential uses. The proposed uses are consistent with the General Plan land use and zoning designations for the project site. Although the base zoning allows for the construction of 18 dwelling units at the project site, the project qualifies for 9 additional units pursuant to State Density Bonus Law (Government Code section 65915(f)(2)). As an infill location that is surrounded by developed land, the project would not directly induce substantial population growth in the area because it would not remove any barriers or obstacles to population growth but would help meet the demand for housing within the city and the San Diego region. Additionally, the project would be responsive to Housing Element Update (HEU) programs that require the city to implement inclusionary requirements to ensure affordable units are available throughout the community (Program 2A) and require the city to work with developers to increase the availability of affordable housing in the city (Program 2B).

The project would include the installation of utilities and improvements at the project site, including water, sewer, electricity, and storm drainage. The utilities and improvements would be sized to serve the project only and would connect to existing utilities within adjacent roadways. The project would not extend utilities, improvements, or other infrastructure into any previously unserved areas of the city. No new infrastructure would be provided that would exceed the

needs of the project or that could accommodate future growth not already planned for the area. The project site is within an area already served by public services and no new buildings or other improvements would be needed to maintain level of service from public service providers.

The project would provide new employment opportunities for temporary construction workers. The short-term nature of the construction jobs is not anticipated to lead to significant long-term population growth in the region. These jobs would be limited in number; it would be expected that these employees are already present in the region. The project would not need to recruit substantial numbers of new employees living elsewhere in the region. Construction of the proposed project would not cause direct population growth as the workforce already exists in the region. No growth-inducing impacts would occur.

B. Significant Environmental Effects that Cannot Be Avoided if the Project is Implemented

Guidelines §15126.2(b) requires an EIR to identify significant environmental effects that cannot be avoided if the project is implemented. As discussed in Chapter 4 of the FEIR, implementation of the project would not result in any significant and unavoidable impacts.

FINDINGS REGARDING RESPONSES TO COMMENTS AND REVISIONS IN THE FEIR

The FEIR includes comments received on the DEIR and responses to those comments. The focus of the RTC is on the disposition of significant environmental issues that are raised in the comments, as specified by Guidelines §15088(c). In preparing the RTC, typographical errors regarding the numbering of biology mitigation measures were identified, and additional information regarding yard setbacks and permitted eave and rake encroachments were added to Table 3-1, *Proposed Development Waivers*. Additionally, a revised site plan showing revised front yard setbacks was added. The correction of the biology mitigation measure numbering, additional information regarding yard setbacks, eave and rake encroachments, and the revised site plan showing updated front yard setbacks does not significantly change the content of the DEIR.

Finding/Rationale: RTC regarding mitigation numbering and revisions in the FEIR merely clarify and amplify the analysis presented in the document, and do not trigger the need to recirculate per Guidelines §15088.5(b).

EXHIBIT "B"

Resolution No. PC-2026-07

Case Nos. MUTLI-006443-2023, SUB-006459-2023, DR-006444-2023,
CDP-006445-2023, ENV-007304-2024

MITIGATION MONITORING AND REPORTING PROGRAM

3. MITIGATION MONITORING AND REPORTING PROGRAM

Project Name: Ocean Bluff Residential

Project Location: 501 Ocean Bluff Way, Encinitas, California

Project Description: The project proposes the subdivision of four lots into 27 lots, the construction of 27 single-family residential dwelling units (24 market-rate units and 3 affordable units) in compliance with State Density Bonus Law (California Government Code Section 65915 et seq.), as well as the construction of a private road, and associated public road, utility and drainage improvements on a 7.2-acre property.

City Contact: Esteban Danna, Senior Planner, City of Encinitas Development Services Department; Email address: edanna@encinitasca.gov

Mitigation Measure		Responsible for Mitigation	Responsible for Verification	Method of Verification	Timing of Verification	Verification Date	Comments
Air Quality							
AQ-1	Tier 4 Interim Construction Equipment. Prior to the commencement of construction activities for the project, the applicant shall require its construction contractor to use California Air Resources Board (CARB)-certified Tier 4 Interim engines for all diesel-powered equipment pieces that are 25 horsepower or greater through all phases of construction. In the event of changed circumstances (e.g., changes in availability of specific types of construction equipment), the applicant may submit a request to the City of Encinitas Development Services Planning Division to apply an equivalent method for achieving project-generated construction emissions that fall below the numeric cancer risk standards established by the San Diego Air Pollution Control District (SDAPCD). Documentation using industry-standard emission estimation methodologies shall be furnished to the City of Encinitas	Applicant/ Applicant's Construction Contractor	City of Encinitas Development Services Department Planning Division	Review and approval of construction contractor contract	Prior to issuance of grading permit		

Mitigation Measure		Responsible for Mitigation	Responsible for Verification	Method of Verification	Timing of Verification	Verification Date	Comments
	Development Services Planning Division demonstrating that estimated project-generated construction emissions would not exceed the applicable SDAPCD cancer risk threshold with alternate construction method(s). If the documentation demonstrates the project-generated construction emissions will remain below the applicable SDAPCD cancer risk threshold, then the City of Encinitas Development Services Director may approve the alternate construction method(s), at the Director's discretion. Required construction equipment fleet and methodologies approved by the City of Encinitas shall be included in the contract specifications for the applicant's construction contractor.						
Biological Resources							
BIO-1	Temporary Fencing Installation. The project applicant shall install temporary fencing (with silt barriers) at the limits of project impacts (including construction staging areas and access routes) to prevent additional habitat impacts and prevent the spread of silt from the construction zone into adjacent native habitats to be preserved. Fencing shall be installed to the satisfaction of the Encinitas Development Services Department and in a manner that does not impact habitats to be preserved and shall utilize materials and deployment methods to minimize and avoid wildlife hazards, including entrapment. If work occurs beyond the fenced or demarcated limits of impact, all work shall cease until the problem has been	Applicant/ Applicant's Construction Contractor	City of Encinitas Development Services Department/ Qualified Biologist	Site inspection	Prior to issuance of grading permit or building permits		

Mitigation Measure		Responsible for Mitigation	Responsible for Verification	Method of Verification	Timing of Verification	Verification Date	Comments
	remedied to the satisfaction of the wildlife agencies. Any habitat impacts that occur beyond the approved fence shall be revegetated with a native plant palette consistent with the vegetation community and its surrounding context to the satisfaction of the wildlife agencies. Temporary construction fencing shall be removed upon project completion.						
BIO-2	Environmental Awareness Training. A Workers Environmental Awareness Training Program shall be prepared for review and approval by the Encinitas Development Services Department. The Workers Environmental Awareness Training Program shall be implemented with the contractor and all active construction personnel prior to construction to ensure knowledge of sensitive wildlife that may occur on site, including nesting birds and coastal California gnatcatcher and their habitat, and general compliance with environmental/permit regulations and mitigation measures. At a minimum, training shall include a discussion of the following topics: (1) the purpose for resource protection; (2) descriptions of coastal California gnatcatcher their habitat; (3) the mitigation measures in the EIR that should be implemented during project construction to conserve sensitive resources, including strictly limiting activities, vehicles, equipment, and construction materials to the fenced area to avoid sensitive resource areas in the field outside of the limits of work (i.e., avoided	Applicant's Construction Contractor	City of Encinitas Development Services Department/ Qualified Biologist	Review and approval of Environmental Awareness Training Program by the Encinitas Development Services Department Implementation of Environmental Awareness Training overseen by a Qualified Biologist	Prior to issuance of grading permit During pre-construction meeting		

Mitigation Measure		Responsible for Mitigation	Responsible for Verification	Method of Verification	Timing of Verification	Verification Date	Comments
	areas delineated on maps and on the project site by fencing); (4) environmentally responsible construction practices; (5) the protocol to resolve conflicts that may arise at any time during the construction process; and, (6) the general provisions of the federal Endangered Species Act (ESA), the need to adhere to the provisions of ESA, and the penalties associated with violating ESA.						
BIO-3	Work Hours. Project construction shall occur during daylight hours (as defined by EMC Chapter 9.32). However, if temporary night work is required, night lighting shall be of the lowest illumination necessary for human safety, selectively placed, shielded, and directed away from natural habitats as directed by a qualified biologist.	Applicant's Construction Contractor	City of Encinitas Development Services Department/ Qualified Biologist	Site inspection	During construction		
BIO-4	Construction Best Management Practices. The project applicant shall ensure that the following conditions are implemented during project construction to minimize potential impacts to sensitive vegetation and species: a. Employees shall strictly limit their activities, vehicles, equipment, and construction materials to the fenced project footprint. b. To avoid attracting predators of covered species, the project site shall be kept as clean of debris as possible. All food related trash items shall be enclosed in sealed containers and regularly removed from the site. c. Pets of project personnel shall not be allowed on the project site.	Applicant's Construction Contractor	City of Encinitas Development Services Department	Site inspection	During construction		

Mitigation Measure		Responsible for Mitigation	Responsible for Verification	Method of Verification	Timing of Verification	Verification Date	Comments
	d. Disposal or temporary placement of excess fill, brush or other debris shall not be allowed outside of the fenced limits of work. e. All equipment maintenance, staging, and dispensing of fuel, oil, coolant, or any other such activities shall occur in designated staging areas with appropriate BMPs in place. Contractor equipment shall be checked for leaks prior to operation and repaired as necessary. "No-fueling zones" shall be designated on construction plans. f. Impacts from fugitive dust shall be avoided and minimized through watering and other appropriate measures consistent with the Construction General Permit Order 2009-009-DWQ.						
BIO-5	Biological Monitor Requirements and Duties. A qualified biologist shall be on site daily during initial clearing/grubbing and weekly during grading activities within 500 feet of preserved habitat to ensure compliance with all project-imposed mitigation measures. The biologist shall be available during pre-construction and construction phases to review grading plans, address protection of sensitive biological resources, monitor ongoing work, and maintain communications with the project's engineer to ensure that issues relating to coastal California gnatcatcher and their habitat are appropriately and lawfully managed. The biological monitor should flush	Applicant's Construction Contractor	City of Encinitas Development Services Department/ Qualified Biologist	Review of grading plans; weekly letter reports; final report	Prior to and during construction		

Mitigation Measure		Responsible for Mitigation	Responsible for Verification	Method of Verification	Timing of Verification	Verification Date	Comments
	birds out of suitable habitat areas before they are cleared. The qualified biological monitor shall also be responsible for the following duties: a. Oversee installation of and inspect temporary fencing and erosion control measures at the projects limits of work a minimum of once per week during installation and daily during all rain events until established to ensure that any breaks in the fence or erosion control measures are repaired immediately. b. Periodically monitor the work area to ensure that work activities do not generate excessive amounts of dust. c. Halt work, if necessary, and confer with the United States Fish and Wildlife Service (USFWS) and City of Encinitas to ensure the proper implementation of species and habitat protection measures. The biologist shall report any violation to USFWS and the City within 24 hours of its occurrence. d. Submit weekly letter reports (including photographs of impact areas) via email to the City during clearing/grubbing of potential habitat and/or project construction resulting in ground disturbance within 500 feet of avoided potential habitat. The weekly reports shall document that authorized impacts were not exceeded and general compliance with all conditions. The reports shall also outline the duration of monitoring, the location of construction activities, the type						

Mitigation Measure		Responsible for Mitigation	Responsible for Verification	Method of Verification	Timing of Verification	Verification Date	Comments
	of construction that occurred, and equipment used. These reports shall specify numbers and locations of any coastal California gnatcatchers, sex, observed behavior (especially in relation to construction activities), and remedial measures employed to avoid, minimize, and mitigate impacts to coastal California gnatcatchers nests. e. Submit a final report to the City within 60 days of project completion that includes the following: (1) as-built construction drawings for grading with an overlay of any active nests; (2) photographs of habitat areas during pre-construction and post-construction conditions; and (3) other relevant summary information documenting that authorized impacts were not exceeded and that general compliance with the avoidance/minimization provisions and monitoring program were achieved.						
BIO-6	Breeding Season Avoidance. The removal of vegetation from the project impact footprint and project grading to the maximum extent practicable, shall occur only from September 16 through January 31 to avoid the nesting bird breeding season, in accordance with the Migratory Bird Treaty Act and California Fish and Game Code. If project construction must occur during the breeding season, Mitigation Measures BIO-7 and BIO-8 shall be implemented.	Applicant's Construction Contractor	City of Encinitas Development Services Department	Site inspection	Prior to the issuance of grading or building permits		

Mitigation Measure		Responsible for Mitigation	Responsible for Verification	Method of Verification	Timing of Verification	Verification Date	Comments
BIO-7	Nesting Bird Survey Pre-Construction Survey. To avoid any direct and indirect impacts to raptors and/or any migratory birds, grubbing and clearing of vegetation that may support active nests and construction activities adjacent to nesting habitat will occur outside of the breeding season (February 1 to September 15). If removal of habitat and/or construction activities is necessary adjacent to nesting habitat during the breeding season, the applicant shall retain a qualified biologist to conduct a pre-construction survey to determine the presence or absence of non-listed nesting migratory birds on or within 300 feet of the construction area, and federally or state-listed birds and raptors on or within 500 feet of the construction area. The pre-construction survey must be conducted within three calendar days prior to the start of construction, the results of which must be submitted to the City for review and approval prior to initiating any construction activities. If nesting birds are detected by the City-approved biologist, the following buffers shall be established: (1) no work within 300 feet of a non-listed nesting migratory bird nest, and (2) no work within 500 feet of a listed bird or raptor nest. However, the City may reduce these buffer widths depending on site-specific conditions (e.g., the width and type of screening vegetation between the nest and proposed activity) or the existing ambient level of activity (e.g., existing level of human activity within the buffer distance). If construction must take place within the	Applicant's Construction Contractor	City of Encinitas Development Services Department/ Qualified Biologist	Field survey and mitigation report	Prior to and during construction		

Mitigation Measure		Responsible for Mitigation	Responsible for Verification	Method of Verification	Timing of Verification	Verification Date	Comments
	recommended buffer widths above, the project applicant shall contact the City and wildlife agencies (California Department of Fish and Wildlife [CDFW] and/or USFWS, as appropriate) to determine the appropriate buffer.						
BIO-8	Crotch's Bumble Bee Pre-construction Survey. A pre-construction survey for Crotch's bumble bee shall be conducted by a qualified biologist within the construction footprint prior to the start of ground-disturbing construction activities occurring during the Colony Active Period (April 1 through August 31 for Crotch's bumble bee). If ground-disturbing activities occur outside the period, no further mitigation would be required. The survey shall ensure that no nests for Crotch's bumble bee are located within the construction area. The pre-construction survey shall include (1) a habitat assessment and (2) focused surveys, both of which shall be based on recommendations described in the Survey Considerations for California Endangered Species Act (CESA) Candidate Bumble Bee Species, released by CDFW on June 6, 2023, or the most current version at the time of construction. The habitat assessment shall, at a minimum, include historical and current species occurrences; document potential habitat onsite including foraging, nesting, and/or overwintering resources; and identify which plant species are present. For the purposes of this mitigation measure, nest resources	Applicant's Construction Contractor	City of Encinitas Development Services Department/ Qualified Biologist	Field survey and mitigation report	Prior to and during construction		

Mitigation Measure		Responsible for Mitigation	Responsible for Verification	Method of Verification	Timing of Verification	Verification Date	Comments
are defined as abandoned small mammal burrows, bunch grasses with a duff layer, thatch, hollow trees, brush piles, and human-made structures that may support bumble bee colonies such as rock walls, rubble, and furniture. The habitat assessment shall be repeated prior to February 1 in each year ground-disturbing activities occur to determine if nesting resources are present within the impact area. If nesting resources are present in the impact area, focused surveys shall be conducted. The focused survey shall be performed by a biologist with expertise in surveying for bumble bees and include at least three survey passes that are not on sequential days or in the same week, preferably spaced two to four weeks apart. The timing of these surveys shall coincide with the Colony Active Period (April 1 through August 31 for Crotch's bumble bee). Surveys may occur between one hour after sunrise and two hours before sunset. Surveys shall not be conducted during wet conditions (e.g., foggy, raining, or drizzling) and surveyors shall wait at least one hour following rain. Optimal surveys are those conducted when there are sunny to partly sunny skies and a temperature greater than 60°F. Surveys may be conducted earlier if other bees or butterflies are flying. Surveys shall not be conducted when it is windy (i.e., sustained winds greater than 8 mph). Within non-developed habitats, the biologist shall look for nest resources suitable for bumble bee use. Ensuring that all nest resources							

Mitigation Measure		Responsible for Mitigation	Responsible for Verification	Method of Verification	Timing of Verification	Verification Date	Comments
receive 100 percent visual coverage, the biologist shall watch the nest resources for up to five minutes, looking for exiting or entering worker bumble bees. Worker bees should arrive and exit an active nest site with frequency, such that their presence would be apparent after five minutes of observation. If a bumble bee worker is detected, then a representative shall be identified by species. Biologists should be able to view several burrows at one time to sufficiently determine if bees are entering/exiting them, depending on their proximity to one another. It is up to the discretion of the biologist regarding the actual survey viewshed limits from the chosen vantage point to determine which would provide 100 percent visual coverage; this could include a 30- to 50-foot-wide area. If a nest is suspected, the surveyor can block the entrance of the possible nest with a sterile vial or jar until nest activity is confirmed (no longer than 30 minutes). Identification shall include trained biologists netting/capturing the representative bumble bee in appropriate insect nets, per the protocol in U.S. National Protocol Framework for the Inventory and Monitoring of Bees. The bee shall be placed in a clear container for observation and photographic documentation, if able. The bee shall be photographed using a macro lens from various angles to ensure recordation of key identifying characteristics. If bumble bee-identifying characteristics cannot be adequately captured in the container due to							

Mitigation Measure		Responsible for Mitigation	Responsible for Verification	Method of Verification	Timing of Verification	Verification Date	Comments
	movement, the container shall be placed in a cooler with ice until the bumble bee becomes inactive (generally within 15 minutes). Once inert, the bumble bee shall be removed from the container and placed on a white sheet of paper or card for examination and photographic documentation. The bumble bee shall be released into the same area from which it was captured upon completion of identification. Based on implementation of this method on a variety of other bumble bee species, they become active shortly after removal from the cold environment, so photography must be performed quickly. If Crotch's bumble bee nests are not detected, no further mitigation would be required. The mere presence of foraging Crotch's bumble bees would not require implementation of additional minimization measures because they can forage up to ten kilometers from their nests. If nest resources occupied by Crotch's bumble bee are detected within the construction area, no construction activities shall occur within 100 feet of the nest, or as determined by a qualified biologist through evaluation of topographic features or distribution of floral resources. The nest resources shall be avoided for the duration of the Crotch's bumble bee nesting period (February 1 through October 31). Outside of the nesting season, it is assumed that no live individuals would be present within the nest as the daughter queens (gynes) usually leave by September, and all other individuals (original						

Mitigation Measure		Responsible for Mitigation	Responsible for Verification	Method of Verification	Timing of Verification	Verification Date	Comments
queen, workers, males) die. The gyne is highly mobile and can independently disperse to outside of the construction footprint to surrounding open space areas that support suitable hibernacula resources. A written survey report shall be submitted to the City and CDFW within 30 days of the pre-construction survey. The report shall include survey methods, weather conditions, and survey results, including a list of insect species observed and a figure showing the locations of any Crotch's bumble bee nest sites or individuals observed. The survey report shall include the qualifications/ resumes of the surveyor(s) and approved biologist(s) for identification of photo vouchers and a detailed habitat assessment. If Crotch's bumble bee nests are observed, the survey report shall also include recommendations for avoidance, and the location information shall be submitted to the California Natural Diversity Database (CNDDDB) at the time of, or prior to, submittal of the survey report. If the above measures are followed, the project shall not need to obtain authorization from CDFW through the CESA Incidental Take Permit process. If the nest resources cannot be avoided, as outlined in this measure, the project applicant shall consult with CDFW regarding the need to obtain an Incidental Take Permit. Any measures determined to be necessary through the Incidental Take Permit process to offset impacts to Crotch's bumble bee may supersede measures provided in							

Mitigation Measure		Responsible for Mitigation	Responsible for Verification	Method of Verification	Timing of Verification	Verification Date	Comments
this mitigation measure and shall be incorporated into the habitat mitigation and monitoring plan. In the event an Incidental Take Permit is needed, mitigation for direct impacts to Crotch's bumble bee shall be fulfilled through compensatory mitigation at a minimum 1:1 nesting habitat replacement of equal or better functions and values to those impacted by the project, or as otherwise determined through the Incidental Take Permit process. Mitigation shall be accomplished either through off-site conservation or through a CDFW-approved mitigation bank. If mitigation is not purchased through a mitigation bank, and lands are conserved separately, a cost estimate shall be prepared to estimate the initial start-up costs and ongoing annual costs of management activities for the management of the conservation easement area(s) in perpetuity. The funding source shall be in the form of an endowment to help the qualified natural lands management entity that is ultimately selected to hold the conservation easement(s). The endowment amount shall be established following the completion of a project-specific Property Analysis Record to calculate the costs of in-perpetuity land management. The Property Analysis Record shall take into account all management activities required in the Incidental Take Permit to fulfill the requirements of the conservation easement(s), which are currently in review and development.							

Mitigation Measure		Responsible for Mitigation	Responsible for Verification	Method of Verification	Timing of Verification	Verification Date	Comments
BIO-9	California Gnatcatcher Nest Avoidance and Minimization Measures. If construction activity occurs during the coastal California gnatcatcher breeding season (typically February 1 through September 15), prior to construction initiation, a biologist shall perform a minimum of three focused surveys, on separate days, to determine the presence of California gnatcatcher nest building activities, egg incubation activities, or brood rearing activities in or within 500 feet of these areas. The surveys shall begin a maximum of seven days prior to project construction and one survey shall be conducted the day immediately prior to the initiation of work. Additional surveys shall be done once a week during project construction in the breeding season. These additional surveys may be suspended as approved by the USFWS. The Permittee shall notify the USFWS at least 7 days prior to the initiation of surveys and within 24 hours of locating any nesting California gnatcatchers. The wildlife agencies (USFWS) and the City's Development Services Department shall be notified if any breeding behavior or active nests are detected. If an active coastal California gnatcatcher nest is found on site or within 500 feet of project grading activities, the biologist shall postpone work within 500 feet of the nest and contact the USFWS and the City to discuss (1) the best approach to avoid/minimize impacts to nesting coastal California gnatcatchers (e.g., sound walls, noise monitoring); and (2) a nest	Applicant's Construction Contractor	City of Encinitas Development Services Department/ Qualified Biologist	Field surveys and mitigation report	Prior to and during construction		

Mitigation Measure		Responsible for Mitigation	Responsible for Verification	Method of Verification	Timing of Verification	Verification Date	Comments
	monitoring program acceptable to USFWS. Subsequent to these discussions, work may be initiated subject to implementation of the agreed-upon avoidance/minimization approach and monitoring program. If the biologist determines that bird breeding behavior is being disrupted, the project applicant shall stop work and coordinate with USFWS to review the avoidance/minimization approach. Upon agreement as to any necessary revisions to the avoidance/minimization approach, work may resume subject to the revisions and continued monitoring. Success or failure of an active nest shall be established by regular and frequent trips to the site, as determined by the biologist and through a schedule approved by the wildlife agencies. Monitoring of an active nest shall continue until fledglings have dispersed or the nest has been determined to be a failure, as approved by USFWS.						
Cultural Resources							
CR-1	Construction Monitoring. Prior to the issuance of grading permits, a qualified archaeologist and Kumeyaay Native American monitor shall be retained to monitor ground-disturbing activities. The qualified archaeologist and Kumeyaay Native American monitor shall be present during initial ground disturbing activities. Should resources be identified, or if undisturbed sedimentary deposits which have the potential to contain archaeological resources are identified, monitoring may need to be increased, as determined by the	Applicant's Construction Contractor	City of Encinitas Development Services Department Planning Division/ Qualified Archaeologist and Native American Monitor	Site inspections	Prior to the issuance of grading permits; during site preparation and after completion of monitoring		

Mitigation Measure		Responsible for Mitigation	Responsible for Verification	Method of Verification	Timing of Verification	Verification Date	Comments
	archaeologist, the City, and in consultation with the Tribe that is monitoring. If disturbed sediments (e.g., fill) or other sediment formations are identified that do not have the potential to contain archaeological resources, then monitoring may be reduced or terminated.						
CR-2	Discovery of Human Remains. In the event human remains are encountered during project construction, State Health and Safety Code Section 7050.5 and State CEQA Guidelines Section 15064.5(e)(1) state that no further disturbance shall occur to the area of the find until the County Coroner has made a determination of origin and disposition of the human bone pursuant to Public Resources Code Section 5097.98. The County Coroner shall be notified of the find immediately and shall make their determination within two working days of being notified. If the remains are determined to be Native American, the County Coroner shall notify the Native American Heritage Commission (NAHC) by phone within 24 hours, and the NAHC shall then immediately determine and notify a Most Likely Descendant. With the permission of the landowner or his/her authorized representative, the Most Likely Descendant may inspect the site of the discovery. The Most Likely Descendant shall complete the inspection and make recommendations or preferences for treatment of the remains within 48 hours of being granted access to the site. The Most Likely Descendant's recommendations may include scientific	Applicant's Construction Contractor	City of Encinitas Development Services Department Planning Division	Site inspections	During site preparation and grading		

Mitigation Measure		Responsible for Mitigation	Responsible for Verification	Method of Verification	Timing of Verification	Verification Date	Comments
	removal and nondestructive analysis of human remains and items associated with Native American burials, preservation of Native American human remains and associated items in place, relinquishment of Native American human remains and associated items to the descendants for treatment, or any other culturally appropriate treatment.						
CR-3	Paleontological Monitoring. A qualified paleontological monitor shall be present during grading activities on the project site for excavation of a geologic formation with moderate resource potential to contain paleontological resources. The monitor shall have the authority to stop and/or divert grading, trenching, or excavating if a significant paleontological resource is encountered. An excavation plan shall be implemented to mitigate the discovery. Excavation shall include the salvage of the fossil remains (simple excavation or plaster-jacketing of larger and/or fragile specimens); recording stratigraphic and geologic data; and transport of fossil remains to laboratory for processing and curation.	Applicant's Construction Contractor	City of Encinitas Development Services Department Planning Division/ Qualified Paleontological Monitor	Site inspections and excavation plan, if required	During grading/ excavation activities		
Noise and Vibration							
NOI-1	Construction Noise Control. The project applicant or its contractor shall prepare a construction noise control plan for review and approval by the City of Encinitas Development Services Department. The plan shall include the following measures for onsite noise control and sound abatement	Applicant's Construction Contractor	City of Encinitas Development Services Department Planning Division	Review and approval of a construction noise control plan	Prior to the issuance of grading permits		

Mitigation Measure		Responsible for Mitigation	Responsible for Verification	Method of Verification	Timing of Verification	Verification Date	Comments
that, in aggregate, would yield a minimum of approximately 13 dBA of construction noise reduction during the construction phase of the project: a. Administrative controls (e.g., reduce operating time of equipment and/or prohibit usage of equipment type[s] within certain distances to a nearest receiving occupied off-site property), including, but not limited to: i. Prohibiting unnecessary idling of internal combustion engines. ii. Locating stationary noise-generating equipment, such as air compressors or portable power generators, as far as possible from sensitive receptors. iii. Notifying of all adjacent residences of the construction schedule, in writing, and providing a written schedule of "noisy" construction activities to the adjacent and nearby residences at least 24 hours prior to initiation of construction activities that could result in substantial noise levels at outdoor or indoor living areas. This notification should include the anticipated hours and duration of construction and a description of noise reduction measures being implemented at the project site. The notification should include the telephone number and/or contact information for the on-site noise control coordinator that neighbors can use for inquiries and/or							

Mitigation Measure		Responsible for Mitigation	Responsible for Verification	Method of Verification	Timing of Verification	Verification Date	Comments
	to submit complaints associated with construction noise. iv. Designation of a noise control coordinator who shall be responsible for responding to any complaints about construction noise. The disturbance coordinator shall determine the cause of the noise complaint (e.g., bad muffler, etc.) and shall require that reasonable measures be implemented to correct the problem. Conspicuously post a telephone number for the disturbance coordinator at the construction site and include it in the notice sent to neighbors regarding the construction schedule. b. Engineering controls (change equipment operating parameters [speed, capacity, etc.], or install features or elements that otherwise reduce equipment noise emission [e.g., upgrade engine exhaust mufflers]), including but not limited to: i. Equipping of all internal combustion engine-driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment. ii. Electrical power shall be used to run air compressors and similar power tools, where feasible. iii. Internal combustion engines shall be equipped with a muffler of a type						

Mitigation Measure		Responsible for Mitigation	Responsible for Verification	Method of Verification	Timing of Verification	Verification Date	Comments
	recommended by the manufacturer and in good repair. iv. Utilization of "quiet" air compressors and other stationary noise sources where technology exists. c. Installation of a temporary, 8-foot-high noise abatement fence on the site boundary (or within, as practical and appropriate) in the form of flexible sound blankets or comparable solid barriers (e.g., rigid plywood sheeting) to occlude construction noise emissions between the site (or specific equipment operation as the situation may define) and the noise-sensitive receptor(s) of concern. Such temporary barriers shall demonstrate a sound transmission class (STC) rating of at least 20 and shall be installed in a manner that eliminates air gaps between adjoining element edges and the ground surface.						
Tribal Cultural Resources							
CR-1 and CR-2	Mitigation Measures CR-1 and CR-2 would be implemented by the project to minimize impacts associated with the discovery of unknown tribal cultural resources.	Applicant's Construction Contractor	City of Encinitas Development Services Department Planning Division/ Qualified Archaeologist and Native American Monitor	Site inspections	Prior to the issuance of grading permits; during site preparation and after completion of monitoring		

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PC-Attachment 4
Public Notice and 500-foot radius map

**CITY OF ENCINITAS
DEVELOPMENT SERVICES DEPARTMENT
LEGAL NOTICE OF PUBLIC HEARINGS
BY THE PLANNING COMMISSION**

PLACE OF MEETING:

**Council Chambers, Civic Center
505 S. Vulcan Avenue
Encinitas, CA 92024**

IN COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT/SECTION 504 REHABILITATION ACT OF 1973 AND TITLE VI, THIS AGENCY IS AN EQUAL OPPORTUNITY PUBLIC ENTITY AND DOES NOT DISCRIMINATE ON THE BASIS OF RACE, COLOR, ETHNIC ORIGIN, NATIONAL ORIGIN, SEX, RELIGION, VETERANS STATUS OR PHYSICAL OR MENTAL DISABILITY IN EMPLOYMENT OR THE PROVISION OF SERVICE. IF YOU REQUIRE SPECIAL ASSISTANCE TO PARTICIPATE IN THIS MEETING, PLEASE CONTACT THE DEVELOPMENT SERVICES DEPARTMENT AT (760) 633-2710 AT LEAST 72 HOURS PRIOR TO THE MEETING.

It is hereby given that a **Public Hearing will be held on Thursday, the 7th day of May 2026, at 6 p.m.**, or as soon as possible thereafter, by the Encinitas Planning Commission to discuss the following hearing item of the City of Encinitas:

PROJECT NAME: Ocean Bluff Residential; **CASE NUMBER:** MUTLI-006443-2023, SUB-006459-2023, DR-006444-2023, CDP-006445-2023, CDP-008050-2025, ENV-007304-2024; **FILING DATE:** August 14, 2023; **APPLICANT:** R&K Ballard Family LP; **LOCATION:** 501 Ocean Bluff Way (APNs 258-141-23, 258-141-24, 258-141-25, and 258-141-26); **PROJECT DESCRIPTION:** Continued hearing for the removal of existing Wireless Communication Facilities and Subdivision of four lots into 27 lots using State Density Bonus Law and associated waivers, construction of 27 single-family residential dwelling units (24 market-rate units and 3 affordable housing units), as well as the construction of a private road, and associated utilities, drainage, landscaping, stormwater improvements, and right-of-way improvements; **ZONING/OVERLAY:** RR-2, R-3, Special Study, Hillside/Inland Bluff, Coastal Zone; **ENVIRONMENTAL STATUS:** An Environmental Impact Report (EIR) was prepared to analyze the potential environmental effects of the project. In accordance with the California Environmental Quality Act (CEQA), the draft EIR was published for a 45-day review from May 16, 2025 to June 30, 2025. Through the analysis provided in the EIR, it was determined the project would not result in significant environmental impacts with the incorporation of mitigation measures to reduce the environmental impacts to less than significant levels for air quality, biological resources, cultural resources, noise and vibration, and tribal cultural resources.

STAFF CONTACT: Esteban Danna, Senior Planner, (760) 633-2692 or edanna@encinitasca.gov.

An appeal of the Planning Commission determination, accompanied by the appropriate filing fee, may be filed by 5 p.m. on the 10th calendar day following the date of the Commission's determination. Appeals will be considered by the City Council pursuant to Chapter 1.12 of the Municipal Code. Any filing of an appeal will suspend this action as well as any processing of permits in reliance thereon in accordance with Encinitas Municipal Code Section 1.12.020(D)(1) until such time as an action is taken on the appeal.

The above item is located within the Coastal Zone and requires issuance of a regular Coastal Development Permit. The action of the Planning Commission or City Council on an appeal may not be appealed to the California Coastal Commission.

Under California Government Code Section 65009, if you challenge the nature of the proposed action in court, you may be limited to raising only the issues you or someone else raised regarding the matter described in this notice or written correspondence delivered to the City at or before the time and date of the determination.

For further information, or to review the application prior to the hearing, please contact staff or contact the Development Services Department, 505 South Vulcan Avenue, Encinitas, CA 92024 at (760) 633-2710 or by email at planning@encinitasca.gov.

VICINITY MAP

501 Ocean Bluff Way
APNs 258-141-23, 258-141-24, 258-141-25, and 258-141-26

Insert Case No.
MUTLI-006443-2023, SUB-006459-2023, DR-006444-2023,
CDP-006445-2023, CDP-008050-2025, ENV-007304-2024



PC-Attachment 5
Public Comments

November 19, 2025

Encinitas Planning Commission
Christine Ryan
Robert L. Prendergast
Susan M. Sherod
Stephen E. Dalton
William Brent Whitteker

Submitted by email to edanna@encinitasca.gov

Re: Public comment on Ocean Bluff Residential, Case No. MULTI-006443-2023

Dear Members of the Commission:

I am writing to highlight some of the damages that the current Ocean Bluff plan will cause locally--many irreversible if not prevented or mitigated. Because the Final Environmental Impact Report dismissed neighbors' concerns, I hope the Commission can balance the need for housing with protecting neighborhood character, including the streetside "naturally occurring park" that homeowners here maintain in an area lacking public recreational space.

First I will address the EIR traffic report, which is especially concerning. Ocean Bluff will add 47% more traffic to narrow feeder roads that are least able to handle it. Its noise and safety hazards will substantively diminish our quality of life and property values, threatening the safety and health of residents and the many street users and visitors throughout the day. Pedestrians, cyclists, schoolkids, dog walkers, runners, seniors and others come from across Encinitas and beyond to enjoy the open skies, fresh breeze, and beautiful yards along the Orchidia Oval.

In the EIR, the reviewer speculates that Ocean Bluff's 270 daily car trips will be split between Camino de Orchidia and Camino El Dorado. Because both are broad, fully improved streets, this would appear to spread out the traffic's impact, however briefly.

Orchidia is likely to draw the majority of traffic, congestion and noise. It is closest and easiest to reach from Requeza Street, the main access, while its broad intersection and streets would permit new residents to speed home. El Dorado will also be impacted but is a bit out of the way, requiring a sharp right turn that may require slowing down.

Did you notice that the EIR's traffic analysis simply stops after Orchidia and El Dorado? Where does traffic go next?

All of those vehicles will go onto Requeza, with some then turning onto Bracero Road. These are narrow, unimproved, once-rural lanes ("noncirculating element roadways") crowded with homes, pedestrians and other street users. They already bear 575 daily car trips from Orchidia and El Dorado, plus cut-through drivers racing between Melba and Nardo, including quite a few high schoolers and parents.

Ocean Bluff will raise the burden to 845 daily trips. (Most drivers are expected to use Requeza, per the Dudek noise study.) A 47% traffic increase on a narrow, already busy residential street is significant. Thus, the heaviest burden will thus fall upon the weakest roadways, without study or mitigation plans. This will warp these vital links for pedestrians, bikes and kids to reach their schools or the Orchidia Oval, as well as neighbors driving to and from home.

Now, what sound traffic management policy would ignore such an obvious systemic failure?

A minor point: The EIR reviewer claims cyclists will use the nominal Nardo bike lane, but observation says otherwise. Nardo's narrow roadway, with its death-wish sharrows, often sees speeds twice the posted 20mph. Cyclists usually continue east on Requeza, turning right at Bracero or following the dirt path and chicane onto Bonita, which is especially popular with kids.

I urge the Planning Commission to pause this development to require a complete traffic study and mitigation plan. Both are essential to protecting the functionality of these local roadways, and the security of users, residents, and property values, from an uncontrolled and unacknowledged onslaught.

[maybe say something about your residency here]

I understand the State's urgent mandate to increase housing, and appreciate how infill projects can reduce sprawl and environmental impacts while improving connectivity. **Having lived in large cities, I enjoy the liveliness, diversity and opportunities they afford [keep or remove]**. But infill projects must provide walkable, bikeable, and transit-rich environments to fulfill this vision and replace car use. While many Encinitans have advocated this for decades, **including me [if you wish]**, our streets are instead becoming ever more congested and deadly.

Ocean Bluff satisfies none of the conditions for a successful infill as envisioned by the State. It is nowhere near transit. Its car-dependent residents will crowd our narrow roads, at speed, deterring others from walking and biking and so further contributing to congestion. The EIR reviewer haughtily dismissed our suggestion for a walking path (which would enable direct access to Encinitas Blvd. transit and shops) and our objections in general. Denying these essential elements will haunt the city in the long run.

Ocean Bluff's 11% affordability rate is perfunctory at best. Two of its affordable lots are conjoined, contrary to regulations. Lot 25, with a peek of horizon, got switched from permanent to limited status, denying the less wealthy a much more home than the others. The project architect crammed those two permanently affordable units onto the most unfavorable lots where they are shadowed by hulking neighbors, with little sunlight, reduced privacy, and yards as little as four feet. The disparity in conditions is demoralizing to witness. The developer should be required to provide **equal quality in siting** as well as construction. Otherwise, these units will resemble disfavored ghetto dwellings compared with their neighbors.

By building on the clifftop edge, Ocean Bluff will be subject to erosion. What makes Rincon sure the homebuyers' yards won't disappear? Will buyers lose their homes to landslides before they're paid for? What happens when the ancient drainpipe fails?

Because Ocean Bluff contributes nothing toward the goals of infill housing except density, I urge the Commission to re-evaluate the developer's entitlement to benefits and waivers, and to negotiate for improvements in community features, neighborhood protection, and quality siting and availability for affordable units.

A final objection is to the technicality by which Rincon avoided performing a full traffic study and mitigation plans. Three weeks after its building plans were "deemed submitted," the City Council enacted traffic mandates that justly require a traffic study from projects of Ocean Bluff's size. Was the Planning Department not aware of the new rule to protect the interests of the City and neighbors? Did this waiver subvert the Council's intent?

Given the significance of Ocean Bluff's traffic impact, I urge the Commission to reconsider this specific waiver to protect the street network's functionality and neighbors' sanity.

The EIR reviewer criticized commentators for stating that no traffic study was performed. But we were correct. What Rincon produced was an *estimate of total traffic mileage* to be generated, based on published averages (VMTs). No study of actual existing on-street *traffic volume* was performed until Sept. 9, 2025.

VMT estimates concern total distance as a proxy for environmental harm, but do not address impact on local streets. And ALL of Ocean Bluff's 270 new car trips, short or long, will use Requeza and Bracero. Our objections to this traffic volume are justified, especially given the lack of alternatives to driving—meaning traffic volumes will only worsen over time.

Further, the reviewer castigates our letters for misunderstanding the definition of Average Daily Traffic. Of course, we are mere civilians. But the reviewer's garbled ADT figures certainly did not help us understand this highly technical terminology. (Nov. 20, 2025, memorandum to the Commission.) Importantly, our argument remains sound: Ocean Bluff's traffic increase of nearly 50% will be significant on our small streets.

My neighbors and I have participated in this public process at length in earnest good faith, offering suggestions and requests to make the neighborhood more livable, sustainable, enjoyable, and valuable for all, while absorbing higher density. Space for recreation and community. Protections for the natural cliffside, animal and plant life, the drainage system. Mitigated traffic incursions and an option to reach mass transit.

The free market will not provide such essential social goods, as Rincon's dismissals demonstrate. Bear in mind, this is a company eager to build multifamily housing on top of asbestos-laden water pipes in Carlsbad. Perhaps they can be persuaded to be better neighbors.

I look forward to the Planning Commission, as the stewards of our growing community, taking reasonable steps to solve these inevitable conflicts. Please also ensure that the true costs of development are shared by the builders who benefit from them. Your precedents will make Encinitas stronger, happier and more self-sufficient for decades to come.

Thank you for your public service and kind consideration.

Sincerely,

Esteban Danna

From: Alan Schmidt <alschmidt1945@gmail.com>
Sent: Thursday, November 20, 2025 5:56 PM
To: Esteban Danna
Subject: Neighbors of the proposed ocean bluff development

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: External Email. Do not click any links or open attachments unless you recognize the sender, verified their email address, and know the content is safe.

Dear Members of the Commission

My wife and I have owned 735 Requeza since 1985.

Many negatives will result from the proposed Ocean Bluff development.

Already there are safety concerns regarding the traffic on Requeza St and Bracero Rd. There are no sidewalks and along with traffic from cars, trucks and electric bikes dangerous conditions prevail for anyone walking on these streets, especially students at the three newby schools. Please reject Ocean Bluffs.

Thank you for your consideration,

Alby Quinlan

Alan Schmidt

November 30, 2025

Esteban Danna
Planning Division
Development Services Department, City of Encinitas
505 South Vulcan Avenue,
Encinitas, CA 92024

Re: Comments on Ocean Bluff Residential Project – Stormwater Conveyance and Infrastructure Responsibilities

Dear Mr. Danna,

Thank you for your assistance in getting the neighbors' concerns in front of the Planning Commission during their November 20, 2025, meeting. I would also like to thank the Commissioners for their diligence in reviewing this project and neighbors' letters and comments. We were all very impressed with their thoughtful deliberations.

As the Planning Commission continues its review, I would like to summarize and expand upon the issues I raised in my letters from June 27 and November 16, 2025, regarding the Draft and Final Environmental Impact Report.

Commenters raised concerns about the project's off-site drainage, a subject that I believe requires further analysis. Let us consider Lots 6 through 12, which extend across the north-facing slope to the Encinitas Boulevard right-of-way. (Please refer to the Site Plan, Figure 3-4 of the DEIR, attached.)

- Lot 6 encompasses the detention basin #1 as well as most of the existing stormwater conveyance system, as shown in the Preliminary Grading Plan (Figure 3-9A of the DEIR, attached). This includes the L-shaped splashwall and the concrete pipe to its discharge point at the existing catchment basin. (See the Existing Hydrology Exhibit and Hydrology Node Map, attached.)
- Lot 7 encompasses the existing brow ditch which would convey all surface runoff from the development to the concrete pipe. (See the Preliminary Grading Plan, Figure 3-9A of the DEIR, attached.)
- Lots 8, 9, 10, and 11 encompass existing V-ditches crossing the lower portions of the slope near Encinitas Boulevard. (See the Existing Hydrology Exhibit and Hydrology Node Map, attached.)
- And Lot 12 encompasses detention basin #2 and the V-ditches downslope. (See the Preliminary Grading Plan, Figure 3-9A of the DEIR, attached.)

As currently proposed, the Ocean Bluff Homeowners Association (HOA) is the only entity that could have responsibility for the stormwater management system that conveys water across these seven lots down to the City's stormwater system at Encinitas Boulevard. However, neither the DEIR nor the FEIR provide details regarding the duties and responsibilities of the HOA.

It is highly unusual for privately owned parcels to overlap critical water quality and stormwater conveyance features in this manner. This delegation of responsibility to the HOA suggests that the developer could walk away from the project as soon as the lots are sold. The City should be greatly concerned about its liability and that of future homeowners when these engineering features ultimately fail.

Neither the developer nor the Planning Department have disclosed any limitations to be placed on the owners of Lots 6-12 regarding utilization of the sloping portions of their lots. At a minimum, deed restrictions should ensure that future owners may not modify the slopes or otherwise damage the existing special-status natural plant communities.

Even better than deed restrictions would be to require the developer to re-draw the lot lines as follows:

- Show Lots 6 through 12 extending only to the top of slope.
- Create a separate parcel encompassing the two detention basins and natural habitats from the top of slope to Encinitas Boulevard and to designate this parcel as public open space.

My professional analysis and recommendations are as follows:

1. It appears that the project proponents did not consider the existing stormwater conveyance system into which all future stormwater runoff from the development into which it will feed.
2. The existing stormwater system is comprised of a patchwork of engineering features constructed decades ago. Old stormwater systems such as this one on steep, eroded slopes are prone to failure.
3. The entire Ocean Bluff stormwater management system should be re-evaluated to account for the increase in impervious surfaces (rooftops, roadways, driveways, and paving) that would result from project implementation.
4. The Ocean Bluff hydrology study infers that increased flows into the existing system will be minimal. To protect the interests of the City of Encinitas and the public, the City should demand more details on how the project might affect the existing stormwater system. This analysis must address projections for the increasing likelihood of worst-case weather events.

5. The applicant has made no specific mention of the existing stormwater system or of who would be responsible for any future repairs should that system fail. This lack of detail suggests that responsibility for such repairs onto the HOA. In fact, during the November 20 meeting City staff told the Planning Commission that the HOA would be responsible for maintaining the undeveloped bluff, which includes the existing stormwater system¹
6. HOAs are typically focused on maintaining property values, providing amenities, managing upkeep of common areas, offering community services, and creating community standards. They are ill-equipped to undertake costly repairs of surface and underground utilities or to repair landslides.
7. The project proponent has not addressed long-term indirect adverse impacts on special-status plant and animal species and special-status natural plant communities. Such effects, as outlined in my letter dated June 27, 20025, include cutting of informal trails, increased summer-time seepage from irrigated yards, free-roaming pets, and the dumping of yard trimmings, to name just a few.
8. To ensure that repairs of the stormwater conveyance system and undeveloped bluffs do not become the responsibility of taxpayers, the City should require that the project proponent establish and fund a Geologic Hazard Abatement District (GHAD).
9. At a minimum, the responsibilities of the GHAD should include the following:
 - a) the monitoring, maintenance, and repair of the existing stormwater conveyance system;
 - b) the monitoring, maintenance, and repair of any landslides that threaten homes above the top of slope;
 - c) the monitoring, maintenance, and repair of any erosion that threatens Encinitas Boulevard or the City's underground stormwater system;
 - d) the monitoring and maintenance of protected open space;
 - e) the establishment of a formalized trail connecting the development to Encinitas Boulevard to limit the cutting of social trails into sensitive habitat, to provide an alternative to driving to nearby shops, restaurants, and public transit, and to improve the quality of life for future residents and neighbors. The maintenance and management of the trail should be made the responsibility of the GHAD.

¹ Encinitas Planning Commission meeting transcript 11/20/2025.

<https://www.youtube.com/watch?v=TzBLQ3d0IN8>

3:57:13 Q: Staff, when they turn something over to an open... easement like that, who's responsible to maintain the bluff and the habitat?

3:57:21 A: So in this case it would be the responsibility of the HOA.

10. The responsibilities outlined above exceed those typically assumed by HOAs; an HOA is not a suitable entity for these purposes.

11. The detention basins and undeveloped slopes should be placed into a separate parcel or parcels deeded to the City and designated as public open space, to be managed, monitored and maintained by a GHAD.

In closing, I would like to thank the Commissioners for their foresight in ensuring that much needed new housing serve and protect new residents, existing neighborhoods, and the City for the decades to come. Without these changes, that security cannot be assured.

The issues outlined above must be resolved before this project can be allowed to proceed. The risks to the City and future residents of the Ocean Bluff development are too great to ignore. Furthermore, as it develops its housing base, the City should take full advantage of all opportunities to enhance the quality of life for future residents and to protect the natural habitats present on site.

Sincerely,

A handwritten signature in black ink that reads "Michael Wood". The signature is fluid and cursive, with a small dot at the end.

Mike Wood

Wood Biological Consulting (retired)

Former resident and son of the current owner of the property at 748 Requeza Street

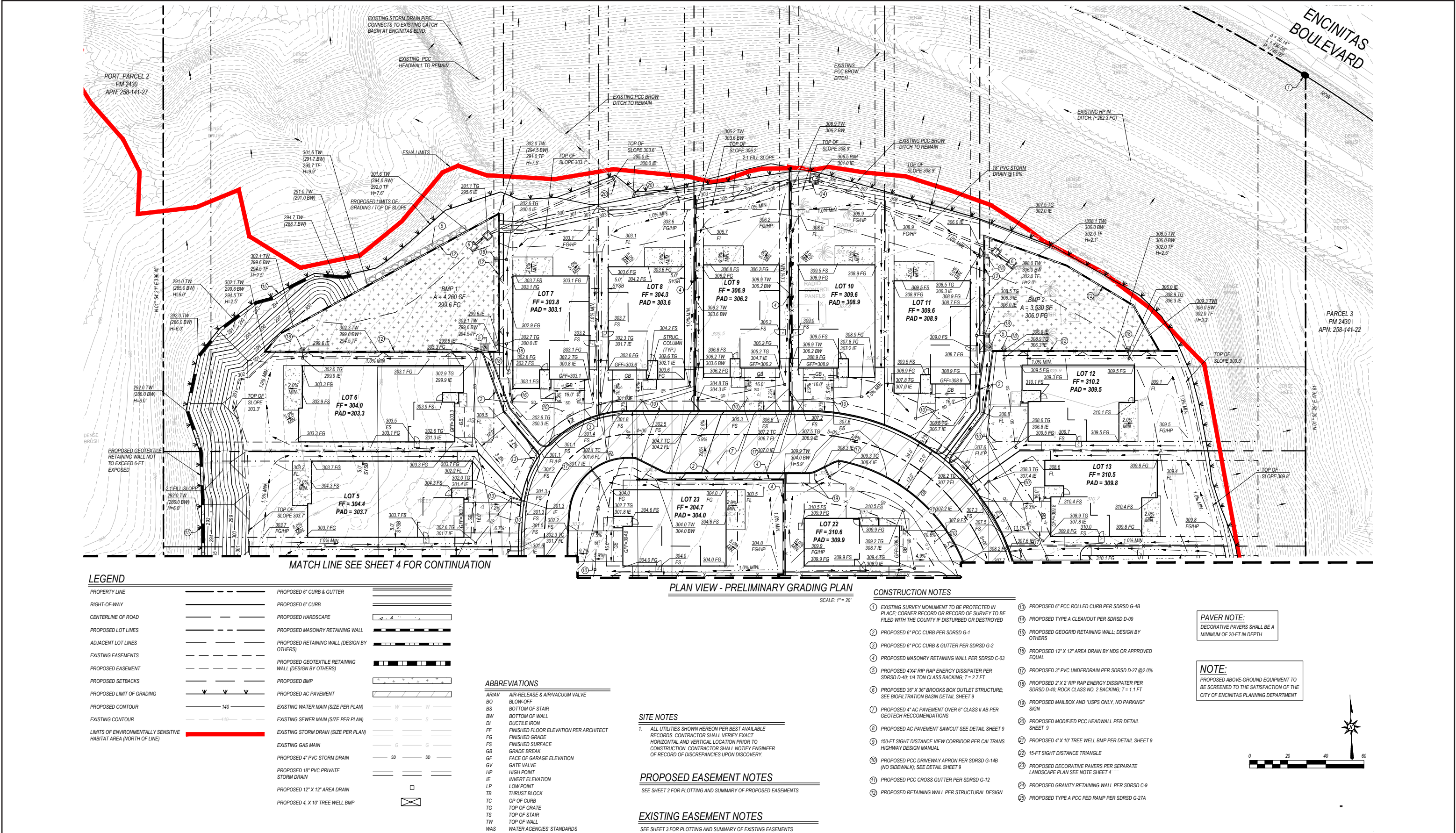
Attachments:

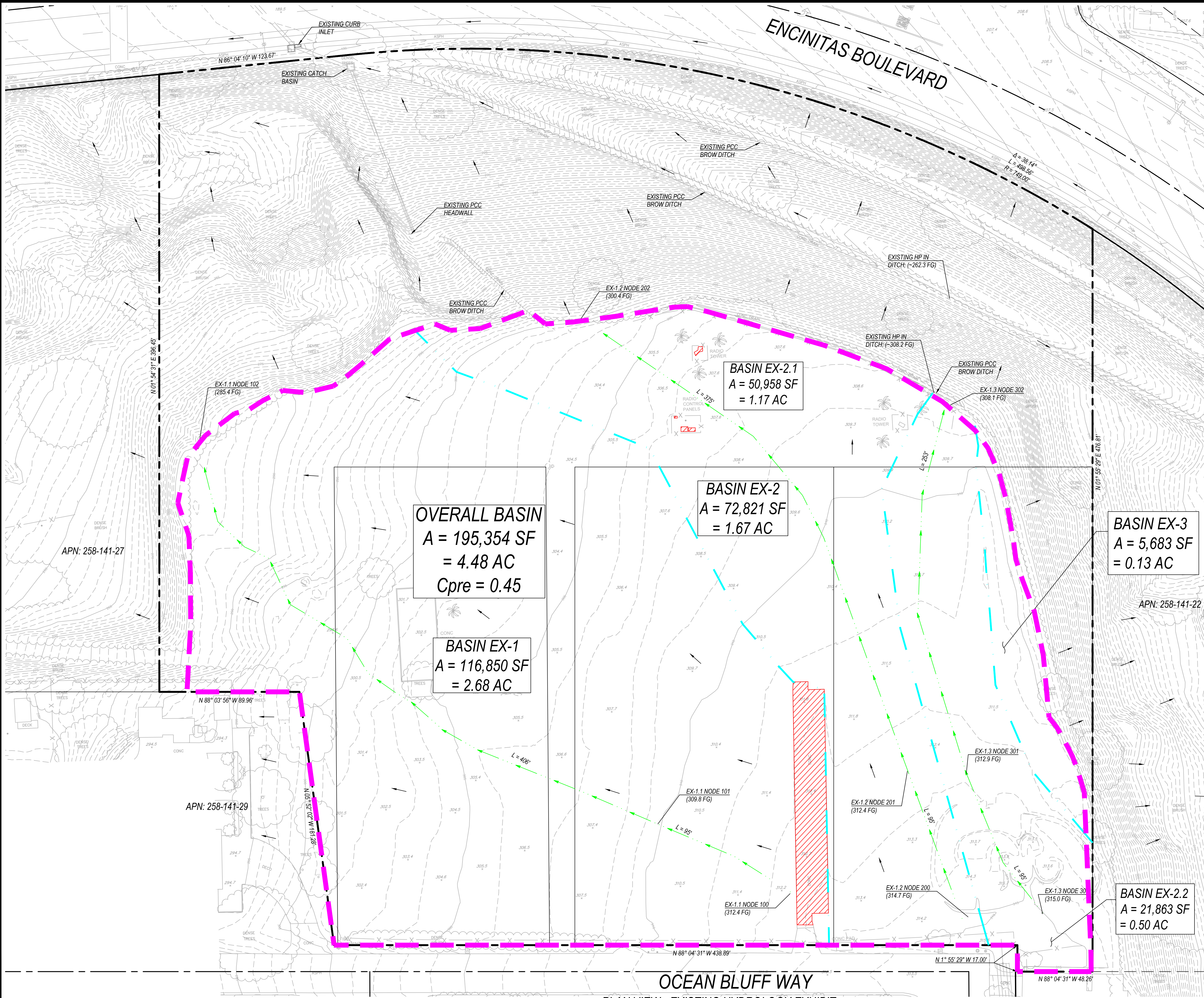
Site Plan (Figure 3-4 from the Ocean Bluff Residential EIR)

Preliminary Grading Plan (Figure 9-3a from the Ocean Bluff Residential EIR)

Plan View: Hydrology Exhibit (from Appendix K of the Ocean Bluff Residential EIR)

Plan View: Proposed Hydrology Node Map (from Appendix K of the Ocean Bluff Residential EIR)





LEGEND

- EXISTING PROPERTY BOUNDARY
- ADJACENT PROPERTY LINE / RIGHT-OF-WAY
- CENTERLINE OF ROAD
- ADJACENT LOT LINE
- EXISTING CONTOUR
- EXISTING FLOW LINE
- EXISTING DIRECTION OF FLOW
- EXISTING MAJOR DRAINAGE BASIN BOUNDARY
- EXISTING MINOR DRAINAGE BASIN BOUNDARY
- EXISTING IMPERVIOUS AREA

OVERALL BASIN AREA CALCULATIONS

TOTAL BASIN AREA:	195,354 SF / 4.48 AC
BASIN IMPERVIOUS AREA:	3,074 SF / 0.07 AC
BASIN PERVIOUS AREA:	192,280 SF / 4.41 AC
IMPERVIOUS %	1.6%
Cpre	0.45

BASIN EX-1 CALCULATIONS

BASIN EX-1 AREA:	116,850 SF / 2.68 AC
Cpre:	0.45
Tc:	10.2 MINS
Q100:	5.02 CFS

BASIN EX-2 CALCULATIONS

BASIN EX-2 AREA:	72,821 SF / 1.67 AC
Cpre:	0.45
Q100:	3.14 CFS

BASIN EX-2.1 CALCULATIONS

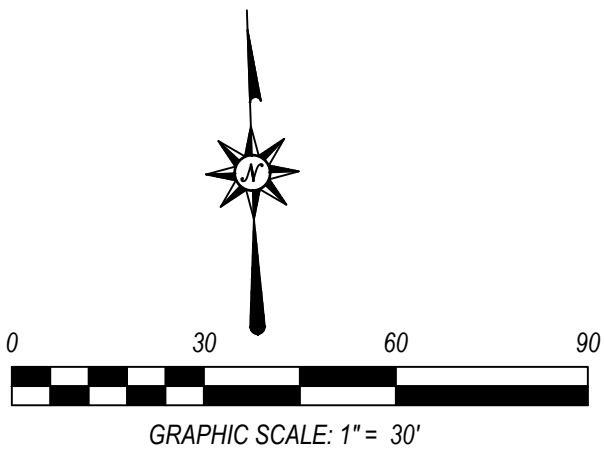
BASIN EX-2.1 AREA:	50,958 SF / 1.17 AC
Cpre:	0.45
Tc:	10.6 MINS
Q100:	2.14 CFS

BASIN EX-2.2 CALCULATIONS

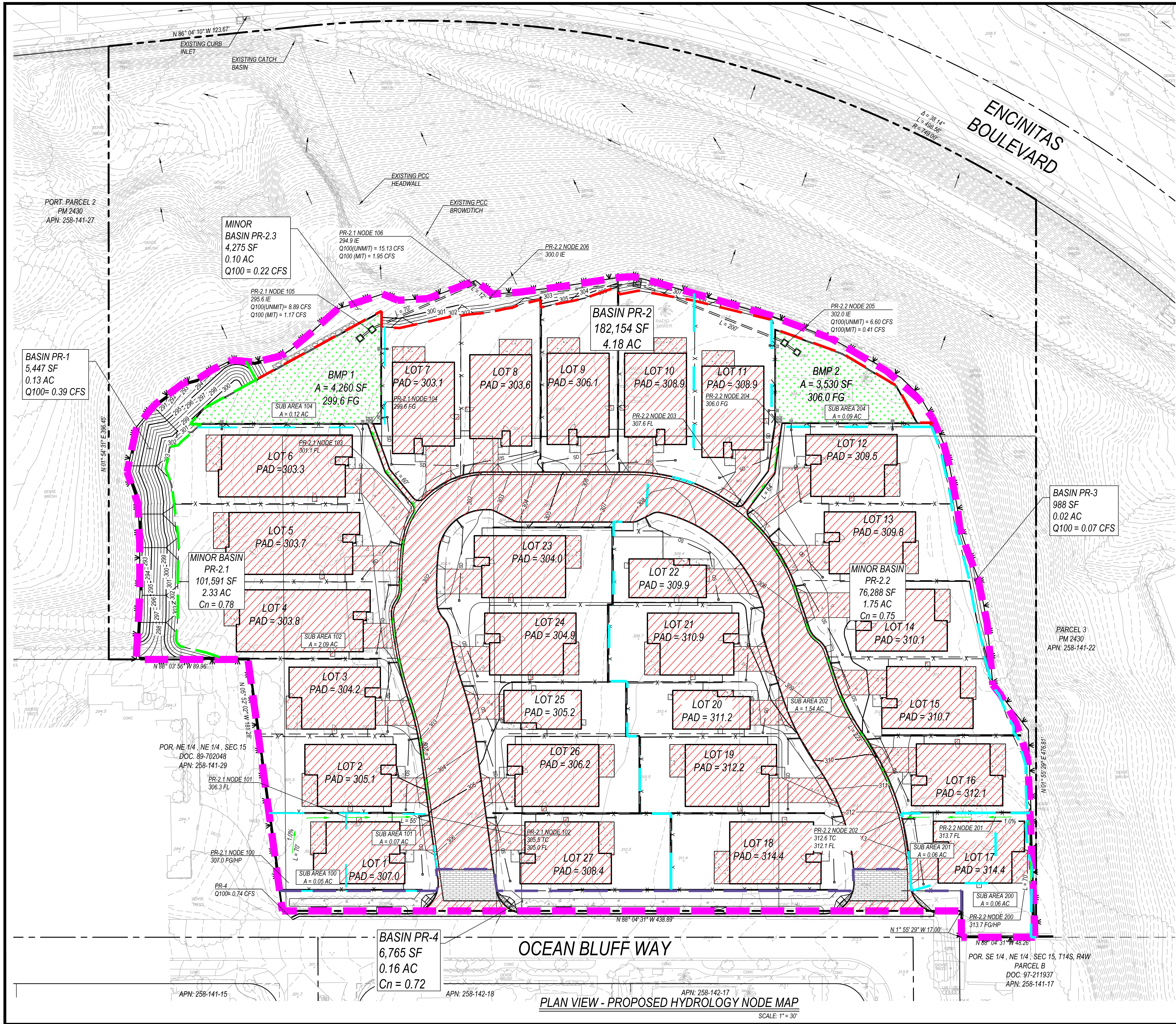
BASIN EX-2.2 AREA:	21,863 SF / 0.50 AC
Cpre:	0.45
Tc:	10.3 MINS
Q100:	0.93 CFS

BASIN EX-3 CALCULATIONS

BASIN EX-3 AREA:	5,747 SF / 0.13 AC
Cpre:	0.45
Tc:	5.0 MINS
Q100:	0.39 CFS



PREPARED BY:
PASCO LARET SUITER
& ASSOCIATES
San Diego | Encinitas | Orange County
Phone 858.259.8212 | www.plsaengineering.com



LEGEND

EXISTING PROPERTY BOUNDARY	---
ADJACENT PROPERTY LINE / RIGHT-OF-WAY	---
CENTERLINE OF ROAD	---
ADJACENT LOT LINE	---
EXISTING CONTOUR	---
PROPOSED CONTOUR	---
PROPOSED FLOW LINE	---
PROPOSED DIRECTION OF FLOW	---
OVERALL DRAINAGE BASIN BOUNDARY	---
PROPOSED DRAINAGE BASIN BOUNDARY PR-1	---
PROPOSED MINOR DRAINAGE BASIN BOUNDARY PR-1.3	---
PROPOSED DRAINAGE BASIN BOUNDARY PR-3	---
PROPOSED MAJOR BASIN BOUNDARY PR-4	---
PROPOSED MINOR BASINS 2.1 & 2.2	---
PROPOSED IMPERVIOUS AREA	---

BASIN PR-1 - HYDROLOGY CALCULATIONS

BASIN PR-1 AREA:	5,447 SF / 0.13 AC
PROPOSED IMPERVIOUS AREA	0 SF / 0.0 AC
PROPOSED PERVIOUS AREA	5,447 SF / 0.13 AC
% IMPERVIOUS	0%

Cn:	0.45
Q100:	0.39 CFS

BASIN PR-2 - HYDROLOGY CALCULATIONS

BASIN PR-2 AREA:	182,116 SF / 4.18 AC
PROPOSED IMPERVIOUS AREA	119,079 SF / 2.73 AC
PROPOSED PERVIOUS AREA	63,037 SF / 1.45 AC
% IMPERVIOUS	65.4%

Tc:	8.15 MINS
Q100:	15.13 CFS (UNMITIGATED)
Q100:	1.95 CFS (MITIGATED)

BASIN PR-2.1 - HYDROLOGY CALCULATIONS

BASIN PR-2.1 AREA:	101,591 SF / 2.33 AC
PROPOSED IMPERVIOUS AREA	68,706 SF / 1.58 AC
PROPOSED PERVIOUS AREA	32,885 SF / 0.75 AC
% IMPERVIOUS	67.6%

Cn:	0.75
Q100:	8.89 CFS (UNMITIGATED)
Q100:	1.17 CFS (MITIGATED)

BASIN PR-2.2 - HYDROLOGY CALCULATIONS

BASIN PR-2.2 AREA:	76,288 SF / 1.75 AC
PROPOSED IMPERVIOUS AREA	50,373 SF / 1.16 AC
PROPOSED PERVIOUS AREA	25,915 SF / 0.59 AC
% IMPERVIOUS	66.0%

Cn:	0.75
Q100:	6.60 CFS (UNMITIGATED)
Q100:	0.41 CFS (MITIGATED)

BASIN PR-2.3 - HYDROLOGY CALCULATIONS

BASIN PR-2.3 AREA:	4,237 SF / 0.10 AC
PROPOSED IMPERVIOUS AREA	0 SF / 0.0 AC
PROPOSED PERVIOUS AREA	4,237 SF / 0.10 AC
% IMPERVIOUS	0%

Cn:	0.45
Q100:	0.22 CFS

BASIN PR-3 - HYDROLOGY CALCULATIONS

BASIN PR-3 AREA:	988 SF / 0.02 AC
PROPOSED IMPERVIOUS AREA	0 SF / 0.0 AC
PROPOSED PERVIOUS AREA	988 SF / 0.02 AC
% IMPERVIOUS	0%

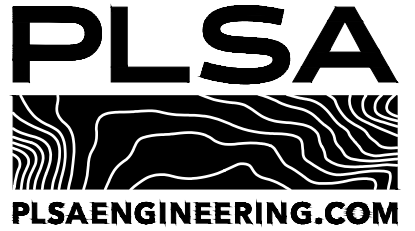
Cn:	0.45
Q100:	0.07 CFS

BASIN PR-4 - HYDROLOGY CALCULATIONS

BASIN PR-4 AREA:	6,765 SF / 0.16 AC
PROPOSED IMPERVIOUS AREA	4,091 SF / 0.10 AC
PROPOSED PERVIOUS AREA	2,674 SF / 0.06 AC
% IMPERVIOUS	28.1%

Cn:	0.72
Q100:	0.74 CFS

PROPOSED HYDROLOGY
OCEAN BLUFF WAY,
ENCINITAS, CA 92024



January 26, 2026

Esteban Danna
Planning Division
Development Services Department, City of Encinitas
505 South Vulcan Avenue,
Encinitas, CA 92024

Re: Ocean Bluff Residential Project

Dear Mr. Danna,

I would like to add the following thoughts to my November 30 letter to the Commission regarding the Ocean Bluff Residential Project.

The proposed lot lines of the Ocean Bluff development could expose homeowners and the City to significant and unnecessary liability.

As you are aware, the proposed lot lines for Lots 6 through 12 extend north from the top of slope all the way to the Encinitas Boulevard right-of-way. As designed, these privately owned lots would encompass sensitive natural habitats, and portions of the existing the existing stormwater conveyance system. Lots 6 and 12 also encompass the proposed stormwater detention basins. In addition, Lots 5, 13, 14, and 15 encompass portions of the canyon slopes to the west and east; the three eastern lots overlap sensitive habitat.

Including critical engineering features on privately designated property in this manner is highly unusual. Given that the existing stormwater conveyance system was not described or analyzed by the developer's consultants and was not discussed in the EIR, it would appear that the developer is shifting responsibility for these features onto the future homeowners.

Whether an oversight or strategy, it creates unclear lines of responsibility and ownership. Who would be held responsible for maintaining or repairing the aged stormwater system or the proposed detention basins? The City should demand that these issues be addressed before any approvals are issued.

- Would future homeowners be liable for any repairs to the existing stormwater conveyance system?
- Would the owners of Lots 6 and 12 bear any liability for repairs to the proposed detention basin?

- If the homeowner's association is responsible for maintenance and repairs of the existing and proposed stormwater system features, how is permission granted to work on multiple homeowners' lots? What about workers' comp claims, or environmental damage across those lots? Ultimately, all HOA members could bear liability for damage upon Lots 6 through 12. Increasing HOA fees would have a disparate impact on the low-income households. Owners of the "affordable" homes could be priced out or even bankrupted by rising HOA costs.
- Additionally, if a failure in the aged stormwater system causes flooding or damage along Encinitas Boulevard, will that cost and liability be shouldered by the City and its taxpayers?

In its public presentation November 6, the developer described its parcel's unbuildable slopes as akin to a donation of "open space" for public enjoyment. Yet its plans show that Lots 5 through 15, which encompass all of the unbuildable slopes, would be privately owned.

Another set of problems would arise when future owners of privately owned Lots 5 through 15 undertake such activities as brush clearing, the installation of fencing, and/or the construction of temporary or permanent structures on their property. Such activities could impact special-status species and habitats, as well as impact the stability of the slopes. Increased erosion could impact the City's stormwater system and affect the travel lanes of Encinitas Boulevard.

The developer's plans placed no limitations on the use of the sensitive portions of these lots. If the City approves the project as currently proposed, then later tries to impose restrictions to prevent encroachments on the slopes, it could face legal claims from the owners for denial of property use.

Such claims are not restricted to charges of arbitrary government action. They may also contest the application of land use laws and regulations like zoning, which can lead to a regulatory taking claim. Given the priority of private property rights in our legal system, the homeowners would likely prevail over the municipality.

If the proposed lot lines are left intact, the time to place restrictions on any future use of the undevelopable portions of Lots 5-15 is now. Land-use restrictions should preclude at a minimum any alteration of the vegetation or soil surface, installation of any fencing running down slope, construction of any structures, dumping of yard wastes, unrestricted access by pets, and directed discharge of any surface water (e.g., rooftop runoff, pool/spa water, French drains). These unaddressed issues create uncertainty and pose substantial risk to future homeowners and the City. Clearly, the proposed lot

designations for Lots 5 through 15 are contrary to both the interests of the City and future homeowners.

The foreseeable problems can be prevented by establishing restrictions in the deeds, based on zoning, planning or development ordinances, before the project is approved.

- The City should require that the lot lines be redrawn to limit the area of Lots 5 through 15 to the top of slope (or some reasonable portion of the upper slope).
- Establish use restrictions on Lots 5-15, even after size reduction, including but not limited to any alteration of the vegetation or soil surface of the slope beyond the fenceline, installation of any additional fencing running down slope, construction of any structures, dumping of yard wastes, unrestricted access by pets, and directed discharge of any surface water (e.g., rooftop runoff, pool/spa water, French drains).
- The entire downslope area (and detention basins and stormwater system) should be designated
 - 1) as a separate parcel and
 - 2) as public open space, to be maintained in perpetuity by a Geologic Hazard Abatement District (GHAD) funded by the developer.

Thank you and the Commissioners again for your dedicated service.

Sincerely,

A handwritten signature in black ink, appearing to read "Mike Wood". The signature is fluid and cursive, with the first name "Mike" and last name "Wood" clearly distinguishable.

Mike Wood

PC-Attachment 6
Previous Staff Report and Attachments